

T H E

LAVVS and ACTS

Made in the F O U R T H S E S S I O N of the F I R S T

PARLIAMENT

Of Our *M*ost *H*igh and *D*read *S*OVERAIGNS

WILLIAM & MARY,

By the *G*race of *G*OD, *K*ING and *Q*UEEN of
SCOTLAND, ENGLAND, FRANCE,
and IRELAND, *D*efenders of the *F*aith.

Holden and begun at *E*dinburgh, *A*pril 18. 1693.

By His Grace *W*ILLIAM Duke of *H*amilton, Marquess of *C*lid/dale;
Earl of *A*rran and *L*anerk, Lord *A*ven, *P*olmount, and *M*achin-shire, Knight
of the most Noble Order of the *G*arter, President of Their *M*AJ E-
*S*TIES most Honourable Privy Council, and Lord High Admiral
of *S*cotland.

Their *M*AJ E *S*TIES High Commissioner for Holding this Parliament
by vertue of a Commission under Their *M*AJ E *S*TIES Great Seal of
this Kingdom.

With the special Advice and Consent of the Estates of Parliament :

*C*ollected and *E*xtracted from the *R*egisters and *R*ecords of Parliament by
*G*EO RGE Viscount of *T*arbat, Lord *M*cLeod, and *C*astlehaven
&c. Clerk to Their Majesties Council, *E*xchequer, Registers, and *R*olls,
&c.



EDINBURGH,

Printed by the Heir of *A*ndrew *A*nderson Printer to Their most Ex-
cellent *M*AJ E *S*TIES, *A*nno *D*O M. 1693,
Cum *P*rivilegio.

LAWS AND ACTS

1871-1872

PARLIAMENT

THE HOUSE OF COMMONS

THE HOUSE OF LORDS

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PARLIAMENT

Of Our Most High and Dread SOVERAIGNS

WILLIAM & MARY,

*By the Grace of GOD, KING and QUEEN of
SCOTLAND, ENGLAND, FRANCE
and IRELAND, Defenders of the Faith.*

Holden at *EDINBURG* the 18 Day of *April*,
1 6 9 3.

I.

ACT for a Monthly Fast.

May 2. 1693.



THE ESTATES OF PARLIAMENT, upon Application made to them, by the Ministers of the Presbytery of *Edinburgh*, and several other Ministers from other parts of this Kingdom, taking to their Consideration the great important War wherein his Majesty is necessarily engaged, for the Defence of the True Reformed Religion, the safety & Security of this and his other Kingdoms, and the Recovery and Establishment of the Rights, Liberties and Peace of the rest of *Christendom*; so much at

2 K. William and Q. Maries first Parliament.

at this time Inavded and Disturbed; with the continual Hazards to which His Majesties Sacred Person is thereby exposed: As likeways the Dangers which do thence threaten this Kingdom, and all that can be dear to His Majesties good Subjects therein, either as Christians or Men, both by Invasion from Abroad, and the froward Dissaffections, & restles Machinations of evil and unnatural Countrey-men at Home; And how much it is the Duty and Interest of all good Men, for these Causes, and on this Occasion, to implore the Mercy, Favour and Blessings of Almighty GOD, for preserving His Majesties Royal Person, and Directing, Assisting and Prospering Him in al his Counsels and Undertakings; and more especially, that God would Countenance and Assist Him to the present War, give Him Success to His Arms by Sea and Land, and Defeat all the Designs Counsels and Practises of his secret and open Enemies, both at Home and Abroad, for the Preservation of the True Protestant Religion, securing the Safety of these Kingdoms, and the happy restoring of the Peace of Europe: Therefore their Majesties with the Advice and Consent of the saids Estates of Parliament, Do hereby Command and Appoint, that a day of solemn Fasting & Humiliation, for making Prayers and Supplications to God for the ends above mentioned, be religiously and strictly observed by all persons within this Kingdom both in Churches and Meeting-houses, upon the third *Thursday* of this Month of *May*, and the third *Thursday* of every Month thereafter, until intimation of forbearance be made by the Lords of their Majesties Privy Council; And Ordains all Ministers to read these presents publickly in their Congregations, a *Sunday* at least before the said first Day appointed for keeping the said Fast, and so forth a *Sunday* before each third *Thursday* foresaid during the space above-mentioned: And their Majesties with Consent foresaid, Ordains these presents to be Printed and published at the Mercat-Cross of *Edinburgh*, & remanent Mercat-crosses of the Head-burghs of the several Shires and Stewartries within this Kingdom, that none may pretend Ignorance, and that Copies be dispatched in the usual manner to the Sheriffs & Stewarts, Bailies of Regalities, their Deputs, and Magistrats of Burghs as likewise to all Ministers concerned, that they may seriously exhort all persons to a sincere and devout Observance of the Premisses; Certifying such of the Lieges who shall not give due obedience, or who shall contemn or neglect the keeping and observing of the saids Days and Duties, that they shall be proceeded against, by Fining, not exceeding a hundred pounds *Scots*, *toties quoties*: And Warrants and Commands the Sheriffs, Stewarts of Stewartries, Lords and Baillies of Regalities, and their Deputs, Justices of Peace, Magistrats of Burghs within their several Jurisdictions, to proceed against the persons guilty, and to exact the Fines accordingly, to be applied, the one half to the Judge, the other half to the poor of the Paroch; and Certifying such Ministers as shall fail in their Duty, in not reading this Proclamation, and observing the Duties therein prescribed, they shall be proceeded before the Lords of their Majesties Privy Council; And hereby requires all Sheriffs, Stewarts, Lords and Baillies of Regalities, and their Deputs, Justices of peace, Magistrats of Burghs, and their Clerks, to make Report to their Majesties Privy Council, of these Ministers who shall faile of their Duty herein.

A CT

A C T for a New Supply out of the Land-rent.

May 4. 1693.



HE Estates of Parliament taking to their Consideration, that in regard of the great and Imminent Dangers which threaten this Kingdom from Forraign and Intestine Disaffection, and Designs of evil Men. There is a visible necessity of more standing Forces, which require Additional Supplies to be raised for their Maintainance: Do therefore humbly and chearfully for themselves, and in Name of this Kingdom which they represent, make Offer to their Majesties of a Supply, of seven hundred and fifty six thousand pounds Scots Money, extending to ten Months Cels, and a half Month, and that over and above the seven Months Cels and an half, yet remaining unuplifted of the Supply imposed by the 6 A^t, 2 Sess. of this current Parliament Dated 7 of June 1690, Which new Supply, is to be raised and uplifted out of the Land-rent of this Kingdom, in the same manner, and conform to the Proportions of the Shires and Burghs, contained in the said A^t of Parliament, and to be payed in three parts, each third Part answering to three Moneths Cels, and a half Month, viz. Two hundred fifty two thousand pounds, as being one third part thereof, to be payed betwixt and the twenty fifth day of May instant, in this present year, one thousand six hundred and ninety three, and other two hundred fifty pounds two thousand at the Term of Martinmas, one thousand six hundred and ninety three; & the third two hundred fifty two thousand Pounds to be payed at the Term of Whitsunday, one thousand six hundred and ninety four years, And the King and Queens Majesties considering, that this Supply is granted for so necessar and important Ends and Purposes, Do with Advice and Consent of the Estates of Parliament: Declare, that no person or persons, shall be exempted from payment of their Proportions of this Supply for their Lands, upon any pretext whatsoever, (excepting mortified Lands allanerly) notwithstanding of any former Law, Priviledge, or A^t of Parliament in the contrary. And Their Majesties with Advice and Consent foresaid, do Nominat and Appoint the same persons, who are Named in the foresaid A^t of Parliament, who are alive and have qualified themselves according to Law, or shall qualify themselves betwixt and the first day of August next, and such others as have been since Nominat by the Privy Council, to be Commissioners, for Ordering and Uplifting this Supply, with the same power to them, to do every thing that may concern the same, as is prescribed and appointed by the said A^t; holding the same as repeated herein. And Ordains the same Execution to pass for Inbringing thereof, as is provided by that A^t in all Points. And Ordains the first meeting of the saids Commissioners for the Shires, to be at the Head-Burghs thereof, upon the sixteenth day of May instant, at 10 a Clock, for the Shires on this side of the River of Tay, and the twenty third of this instant for the Shires benorth Tay. And requires the Sheriffs and Stewarts, or their Deputs, to intimat the same to the Commissioners of the respective Shires and Stewartries, with power to them, to appoint their subsequent Dyets of meeting and their Conveener from time to time. And appoints the present Collec-

4 *K. William and Q. Maries First Parliament.*

tors to continue, for the first Terms payment of this Supply, the renewing their former Caution, or finding other sufficient Caution, But prejudiceto the saids Commissioners to continue them, or to appoint other Persons to be Collectors, for the other two Terms, as they shall find cause, and remits to their Majesties Privy Council, upon the Death, or not Acceptance of any of the Commissioners of Supply, Named in the foresaid Act of Parliament, to nominat and appoint others in their places. And their Majesties with Advice and Consent foresaid, Do Declare that all Clauses contained in the former Acts of Parliament and Convention of Estates, in Relation to the In-bringing of the Cels and Quartering, and anent Riding-money, shall stand in full force as to this Supply now imposed in the same manner, as if they were insert herein, except in so far as these Acts of Parliament or Convention are innovat or altered by the foresaid sixth Act of the second Session of this Parliament. And it is hereby declared, that no persons lyable in payment of this Supply, shall be holden to produce their Discharges or Receipts of the same, after three years, from the respective Terms of payment, unless Diligence be done by Denunciation, before clapsing of the saids three years,

I I I

ACT for an Additional Excise.

May. 5. 1693.



THE Estates of Parliament, taking to their Consideration, that the present Dangers of the Kingdom, do Require for its necessary Defence, a greater number of Forces to be Levyed and kept up, for which Additional Fondsto the present Supply upon the Land-rents will be requisit: Do therefore for one of these Fonds, over and above the Excise of two Merks on the Boll of Malt annexed to the Crown, heartily offer to Their Majesties, for the End foresaid, an Additional Excise of three Pennies upon the Pint of Ale and Beer Brown, to be Vended and Sold: as also of two shilling upon each Pint of Aquavity or strong Waters Brown and made of Malt, to be Vended and Sold within the Kingdom: And likewise an Additional Excise, of two shilling upon each Pint of Aquavity and Strong-Waters Brown; not made of Malt, excepting what is made of Wine: Which Excise is to be payed in manner following, viz. For the first two Months of June and July, upon the first of August next 1693, And thereafter Quarterly, during the space of twenty three Months, Commencing from the first Day of June next, and ending the first Day of May 1695. for making of the which Offer effectual, Their Majesties with Advice and Consent of the said Estates of Parliament, Do hereby Impose and Ordain the foresaid Additional Excise of three Pennies upon the Pint of Ale and Beer, and two shilling on the Pint of Aquavity and strong Waters made of Malt, or otherwise as aforesaid, to be raised and Uplifted from all Brewers of the said Liquors

Liquors Brown and made, to be Vended and Sold, as said is, for the said space of twenty three Months. And for the Raising, Ordering, and in-bringing thereof, they do hereby Appoint and Authorize the Commissioners of the New Supply, Nominat and Appointed in another Act of this present Session of Parliament, to be Commissioners of Excise for the several Shires for the end foresaid: And the Royal Burghs to have the same Number of Commissioners, as was appointed by the fourteenth Act of the Parliament one thousand six hundred sixty and one; Impowering them fully for that Effect, conform to the Rules and Orders formerly Enacted, for Raising and In-bringing the foresaid annexed Excise: As also to set down, and cause observe such other Rules as they shall judge necessary, agreeable always to the Acts of Parliament already made, about the foresaid former Excise. And to the Effect, that abuses in this matter may be prevented, Their Majesties with Consent foresaid, Do hereby Declare and Enact, that if any Brewer in use to Brew for Sale and Change, shall give over Brewing after the Date of this Act, without an Allowance in Writing from the said Commissioners of Excise, for good and seen Causes, the said Brewer shall not be permitted to Brew for Change, for the space of five years thereafter, but shall be and is hereby Discharged and Rendered Incapable to do the same. As likewise, it is hereby Statute and Ordained, that no Persons whatsoever, who have not been in use to Brew, for the Service of themselves, and their Family, in time by-past, shall presume to Brew after the first of June next, for their own, and their Families use, and if they Contraveen, that they shall be lyable in payment of Excise, for what they shall Brew. And Their Majesties with Consent foresaid, Do Ordain the first Dyet of Meeting of the saids Commissioners, to be as follows, viz. For these Shires on this side of the River of Tay upon the sixteenth day of May instant, and for the Shires be-north Tay, upon the twenty third day of May. And grants Warrant to the Sheriffs, and Stewarts of the several Shires and Stewartries, & their Clerks, to Conveen the saids Commissioners to that effect, with power to them thereafter, to appoint their own Conveener, and subsequent dyets of Meeting, And it is hereby Declared, that if any Tacksman or Collector, or other person, shall exact any thing over and above his Excise, for the Discharges thereof, or for the Discharge of any other publick Dues whatsoever, it shall be repute as Oppression, and punished accordingly by the saids Commissioners, who are hereby impowered to proceed against the Persons guilty: And Their Majesties, with Advice and Consent foresaid, do Authorize and Impower the Lords of Privy Council, to Prescribe such other Methods and Orders as they shall judge necessary, for making this Act effectual.

IV.

*ACT against false Musters and Free Quarters, and
anent due Paying of Their Majesties Forces,*

May 11. 1693.



UR SOVERAIGN LORD and LADY, the King and Queens Majesties, and the Estates of Parliament, taking to Their Consideration, that it will contribute much to Their Majesties Service, that all Fraud and Deceit in making of false Musters, be obviated and prevented, and that the Pay destinat and appointed to the Soldiers be not kept up by their Officers and others, intrusted with the payment of the Soldiers; but that their Pay be effectually given them. Therefore the King and Queens Majesties and Estates of Parliament, Statutes and Ordains, that if any Person, Officer, or other of Their Majesties Forces, as well in Castles and Garrisons as others, shall make, or give, or procure to be made or given, or make use of any false or untrue Certificat; thereby to excuse any Soldiers for their absence from any Muster or other Service, which they ought to attend or perform upon a pretence of sickness or other cause, that then every person so making, giving, or procuring such Certificats, shall be fined for every such offence, in the Sum of one thousand Merks, the one half to Their Majesties use, and the other half to the Informer, and if he be an Officer that contraveens, he beside the Fine of one thousand Merks, shall be Cashiered and Displaced, and shall be incapable of any Military Office or Employment within this Kingdom, and every Officer that shall make any false or untrue Muster of Man or Horse, and every Commissary, Muster-master, and other Officer, that shall allow or sign the Muster-Roll, wherein such false Musters is contained, shall be Cashiered, and lose their Office, and shall be incapable of any Military Office or Employment, within this Kingdom, and shall likewise be Fined in the Sum of one thousand Merks, the one half to Their Majesties use, and the other half to the Informer: And for the more effectual preventing of false Musters, Statutes and Ordains, that every Commissary or Muster-master, upon any Muster to be made, shall be obliged to give notice a convenient time before, to the Magistrats of the Burghs, or Sheriffs of the Shires, or their Deputs, or Baillies of Royalty or Regality, or their Deputs, or Stewarts of Stewartries, or their Deputs, within whose Jurisdictions the Muster is to be made, and the Magistrats of Burghs, in case the Muster be to be made within a Burgh, and the Sheriff or their Deputs, when the Muster is to be made within a Sherifffdom, and the Baillie of Regality or his Deputs, when the Muster is to be made within a Regality, and the Stewart of the Stewartries or their Deputs, when the Musters are to be made within a Stewartry, to be present at every such Muster, and give their outmost Assistance, for the discovery of any false or untrue Muster, and every Commissary or Muster-master, that shall neglect to give notice as said is, or shall refuse to take the Assistance of the Magistrats of Burghs, when the Muster is made within a Burgh, or of the Sheriffs, Baillies

Ballies of Regalities and Royalties, and Stewarts, or their Deputs, when the Muster is made within their respective Jurisdictions, the Commissary or Muster-master so offending, shall lose his Office, and be fined in the Sum of one thousand Merks, the one half to Their Majesties use, and the other half to the Informer, and no Muster Roll shall be allowed, unless the same be signed by the Magistrat of the Burgh, or Sheriff of the Shire, or Ballies of Regalities and Royalties, or Stewarts or their Deputs, within whose Jurisdiction the Muster is made, and if any person shall be falsely mustered, or offer himself falsely and deceitfully to be mustered, upon Certificat thereof under the hand of the Muster-master, or chief Magistrat of the place, who shall be present at the Mustering, he shall be Imprisoned for the space of a Month, and shall have his right Ear cut off; and if any person shall wittingly and willingly, lend or furnish a Horse to be Mustered, which shall not truly belong to the Trooper or Dragoon, or Troop Mustered, the said Horse so falsely mustered, shall be forfeited to the Informer, if the Horse doth belong to the person Lending or Furnishing, and if the Horse doth not belong to the Lender or Furnisher, he shall be Fined in the Sum of five hundred Merks, to be payed to the Informer, and if he be an Officer that lendeth or furnisheth a Horse to be mustered, which doth not truly belong to the Trooper or Dragoon mustered, every such Officer so offending, shall be fined in the Sum of five hundred Merks, to be payed to the Informer, which shall be payed out of the Arrears of the said Officers Pay, by Order of the Court-martial to the Pay-master, if the said Officer shall have any Arrears due to him, and if there shall be no Arrears due to the said Officer, the Court-martial shall immediatly give Order, to seize the Goods of the said Officer, and sell them for payment of the Fine, which is to be given to the Informer, the *Superplus* that is more than pays the said Fine, being alwise restored to the Owner; and if the Officer so offending, shall have no Goods; that then he shall be committed to Prison, there to remain for the space of six Moneths, and the Court-martial shall discharge the Informer, if he be a Soldier, from any further Service, if he demand the same; and if any Pay-master, or Clerk of any Regiment, Troop, or Company shall detain and withhold by the space of a Month the Pay of any Officer or Soldier, (Cloaths and all other just Allowances being deduced) after the Pay shall be received; or if any Officer having received their Soldiers Pay, shall refuse to pay every common Soldier their respective Pay, when it shall become due, the Pay-master, Clerk, or Officer so offending, shall lose his Office or Employment, and shall be fined in two thousand Merks, to be payed to the Informer, and to be raised in manner foresaid, and shall be incapable of any Office or Employment, Civil or Military within this Kingdom, and the Informer, if a Soldier shall be discharged of any other Service, if he demand the same. And it is further Statute and Ordained, that the Commanding Officer of every Troop or Company at the time of the Muster, shall bring in a Certificat signed of the Number of such persons as are sick, or have leave to absent upon Forelofts, and of such as are dead and deserted since the last Muster, with the days of their Deaths or Desertion; and if such Certificats shall prove false, the Officer signing such a Certificat shall be lyable to the same Pain, as in the case of false Musters: As also it is Provided, that if any

8 *K. VVilliam and Q. Maries first Parliament.*

Officer, Commissary, or Muster-master, shall Muster any person that is a Servant, or receives Wages from any Officer, or that shall attend any Officer as a Servant, in the absence of the said Officer from his Quarters, or shall Muster any person by a wrong Name, the said Officer, Commissary, or Muster-master shall be punished as in the case of false Musters. And it is further Statute and Ordained, that no Pay-master of the Army, Commissary, or Muster-master, or their Deputies and Servants, shall receive any Fees, or make any Deductions whatsoever out of the Pay of any Officer or Soldier, other than the usual Deductions for Cloathing, under the Pain of being punished as in the case of false Musters; and it is declared, that the Pay-master of the Army, Commissary, or Muster-master, shall be lyable in the same Pain and Punishment in case of Contravention, by their Deputies and Servants, as if they had done it themselves; and as the Officers and Soldiers should be effectually payed, and not defrauded of their due Pay, so it is just and reasonable that they pay the Countrey, and not be allowed to exact Free Quarters where they come. Therefore, and for freeing the Countrey of other Abuses and Disorders, in use to be committed by the Soldiers. The King and Queens Majesties, and the Estates of Parliament, Ratifies, Approves and Confirms an Act of Privy Council, of the date the Fourteenth day of February last, one thousand six hundred ninety three, *anent the Ordering of the payment of Provisions for the Forces, and Redressing Abuses committed by them*, in the whole Heads, Tenors and Contents thereof; and Ordains the same to take full effect, and to be put to further execution, of the which Act the Tenor follows, *William and Mary by the Grace of G O D, King and Queen of Great-Britain, France and Ireland, Defenders of the Faith, To* Macers of our Privy Council, Messengers at Arms, Our Sheriffs in that part, conjunctly and severally, specially Constitute, Greeting, Forasmuch as, by divers Laws and Acts of Parliament, made by Our Royal Predecessors, all free Quartering of Soldiers in transient or local Quarters, and all Localities for furnishing or carrying Corn, Straw, Hay, or Grass to Soldiers Horses, is expressly Prohibited and Discharged, and by an Establishment under Our Royal Hand, there being Measures laid down, and Fonds appropriat for the exact and punctual payment of the standing Forces and Garisons within this Our Antient Kingdom, and a Commissary appointed for making due and regular Provisions of Corn, Straw and Grass, for the Horses and Dragoons presently under Our Pay, and in Our Service within this Our antient Kingdom, by ready Money, or otherwise as he can best Bargain with any of Our Liedges for their Corn, Straw and Grass: Whereby the Abuse heretofore done and committed upon any of Our Leidges, by the Illegal exacting Locality or free Quarters, may be Remeeded and Prevented, and all Mens-meat, and Horse-meat furnished to any Officers or Soldiers in Our Service within this Our antient Kingdom, duely payed. And VVe considering how necessary it is, that all Our good Subjects should know by whom, and in what manner they are to be payed for all Provisions of Corn, Straw and Grass for Horses, and Meat and Drink to be furnished to Our Officers and Soldiers, by them or any of them; and that all Officers and Soldiers within this Our said Antient Kingdom, may govern and regulate themselves, and the Troops under their Command accordingly, as they will be

be answerable, We with Advice of the Lords of Our Privy Council, Require and Command the Commissary-General, appointed and received by the Lords of Our Thesaurie, to make due and timeous Provisions of Oats, Straw and Grasse, for all Horse and Dragoons at present under Our Pay, and in Our Service within this Our Antient Kingdom, in their respective transient Quarters. And that the same may be more orderly and effectually done, We Require and Command all Our Officers, who command the said Troops, to give timely Notice to the said Commissary of their Removal to, and from local Quarters, and of the Rout appointed for their March in transient Quarters, that Provisions may be ready accordingly. And in case any Parties be called to March upon sudden Commands, which may not be fit to impart to the Commissary: Then We with Advice foresaid, strictly Charge and Require the Commanders of the several Parties, to buy with ready Money the Oats, Straw and Grasse, necessary for their Horses, as any other of Our Leidges is in use to do, and what he shal disburse or expend thereon, We hereby Require and Command, Our said Commissary to refund and repay the same. And We with Advice of Our Privy Council, do hereby Require and Command Our Commissary-general, by himself, or fit Persons imployed and intrusted by him, to attend at the Magazines which shal be provided for Our Troops at their respective Quarters, two hours each Day, viz. betwixt ten and twelve in the Forenoon, at the least to attend the two hours above-named, upon one or more days of each Week, such as shal be particularly agreed upon betwixt the Commissary and the Officers, to the effect, the Provisions may be given out by the Commissary, and received by the Officers and Soldiers timeously, and without Disorder or Confusion, and hereby all Officers and Soldiers are peremptorly prohibited and discharged to offer any Injury or Abuse to Our said Commissary or his Deputes, as they will be answerable at their highest Peril: And likewise, We with Advice foresaid, peremptorly Require and Command the Officer commanding in chief, in any place of Local or Transient Quarters, to see the whole Meat and Drink furnished to the Soldiers and Officers under his Command, by the Land-lords of their Quarters, exactly and compleatly payed at the ordinary Rates of the Countrey: And in case there be any Exaction or Discharge of Free-quarters extorted, or abatement exacted below the ordinary Rates or any other Abuse Committed; We with Advice foresaid, Require and Command the Commanding-Officer there for the time, to make payment by ready Money for the whole Soldiers and Officers on the place in their Local Quarters, once every Week at farthest, and transient Quarters before Removal, if they stay a shorter time than a Week, under the pain of Calheiring and Breaking the said Commanding-Officer, upon complaint of his Transgressing the Premises, to be made by the Party injured to Our Privy Council, or to the Sheriff, or his Depute, Baillie of Regality, or his Depute, Stewart of the Stewartry, or his Depute, or any two Commissioners of Supply of the Bounds and Shire, where the saids Abuses and Injuries are done and committed, whom, or either of whom, We, with Advice foresaid, Require and Command, to receive the saids Complaints, and transmit the same to the Clerks of Our Privy Council, within ten days after any such Complaints shal be made to them, under the pain of being

lyable to repair the Party injured themselves, and which Complaints, We with Advice foresaid, appoint to be pursued by Our Advocat and Solicitor upon the publick Charge. And in case any privat Party shal think fit to pursue the same themselves; We hereby Require and Command the Expenses that shal be laid out by them, in prosecution thereof, to be Re-pay-ed and Re.imburled to them by the Lords of Our Thesaury, as well as the Expenses to be laid out by Our Solicitor; all which are to be retained and deduced by the saids Lords of Our Thesaury, out of the Officers Pay, against whom the said Complaint is made and verified. And in case any inferior Officer in Transient or Local Quarters, shal transgress any of the Premises; We hereby Require and Command the Commanding-Officer, upon Complaint made to him, and proven, instantly to pay the Complainer what shal be due to him, and if the person complained on, be an un-commissionat Officer, the said Commander is instantly to Break and Casheir him, and if he be a Commissionat Officer, who shal so transgress; We with Advice foresaid, Require the said Commanding Officer, to Suspend him in the mean time, and immediately to represent the same to Our Privy Council, that they may give Orders for Breaking and Casheiring the Officer transgressing, providing the Complaints for not payment of Local Quarters, or committing any of the Abuses foresaid therein, be made to the said Commanding Officer, within eight days after a Weeks Quarters are resting, or any other Abuses committed, and in transient Quarters, before the Parties Removal, with Certification, if payment be not craved, or Complaint made within the time foresaid, the commanding Officer shal be free, but prejudice to the Land-lords and others, to seek their Payment and Reparation from the persons Debtors therein, or Committers thereof, by all other legal means, and it shal be sufficient evidence, that the Commanding Officer has been complained to, required to make payment of Provisions furnished to Soldiers, Men, and Horses under his Command, or redress Abuses committed by them, if the same be made to him, in presence of a Magistrat within Burgh; a Justice of Peace, or two Witnesses. And We with Advice foresaid, do declare, that no Discharges shal be sufficient for exonerating the Soldiers and Officers; and instructing the payment of their Quarters, unless they be subscribed by the Master of the Ground, or his Chamberlain, or the Officer of the Ground before two Witnesses, or a Magistrat within Burgh. And for preventing of a common Abuse done and committed upon Our Leidges, by Soldiers and Officers, in their Marches pressing and seizing upon Horses, for their own privat Use and Service; We with Advice foresaid, do strictly prohibit and discharge, all pressing and seizing upon Horses by any Officer or Soldier, for their own particular and privat Service, under the pain of a Months Pay, to be retained (upon complaint to be made and instructed as afore said) off the Officer who Commands, and where Horses are necessary for carrying Artillery, Ammunition, or Provision, or any other use of the Army, in the Towns, or in the Countrey, that the same may be employed and made use of, by Order of the Commander of the Party, and of the Magistrats of the Burghs joyntly, if the Horses be furnished within Burgh; and by the said Commander, and any one of the Commissioners of Supply within the Shire, where the Horses are furnished and made use of

of in Landwart. And We with Advice foresaid, conform to the third Act, Parliament one thousand six hundred and eighty one, Ordain, that there be payed for each day that the saids Horses shal travel, three Shilling Scots for each two Miles to the Man and Horse, and each day that they do not Travel, six Shilling Scots to the Man, and as much for the Horse, the Man being obliged to provide himself and the Horse, which shal be payed by the Magistrats of the Burgh; if the Horses be taken within a Town, or if in the Countrey, by the Collector of the Supply in the Shire, who are to be re-pay-ed thereof, or to have the same allowed to them by the Receiver-general; And that the Horses necessary to be made use of, and imployed for the Service, and use of Our Forces above expressed, may be the more Regularly and Equally proportioned and provided: We with Advice foresaid, Require and Command the Magistrats within Burghs, and Commissioners of Supply, and Justices of Peace in Landwart, to cause provide from time to time a competent Number of Horses, within their respective Bounds, for the Service of Our Forces, and uses foresaids, as they will be answerable at their peril. And We with Advice foresaid, Prohibit and Dicharge any Officer or Soldier to seize upon or Press any Horses, without the concurrence of the persons above-named, or to detain them longer than one days March at furthest; but to restore and give back the said Horses, imployed in the manner foresaid, in good Case, under the pain of a Months Pay to be retained in manner foresaid, off the Officer who shal be found to contraveen the Premises, besides the payment of the price of the Horse to the Furnisher, as the same shal be instructed before the Baillies within Burgh, Sheriffs, Stewarts, Bail-lies of Regalities, or Deputs, or Justices of Peace in the Countrey. And to the end, Our Royal Pleasure in the Premises, may be made publick and known. OUR WILL IS, and We Charge you strictly, and Command, that incontinent these Our Letters seen, ye pass to the Mercat-cross of *Edin-burgh*, and all other Mercat-crosses of the Head-burghs of this Kingdom, as well Royaltie as Regalitie and Stewartrie, and other places needful, and there in Our Name and Authoritie, by open Proclamation, make Publication of the Premises: And likewise, that all Our Forces as well as Our Leidges, may have notice hereof, We do Require and Command these Presents to be publickly read, at the Head of every Troop and Company of Our standing Forces, that none may pretend ignorance, Given under Our Signet at *Edinburgh*, the fourteenth day of *February*, and of Our Reign the fourth year, one thousand six hundred and ninety three. With this Addition, that in the case of either Local or Transient Quarters; if any Officer or Soldier shal not make due payment, conform to the said Act of Privy Council, of what they take on in their Quarters, or shal commit any Abuses in their Quarters, it shal be lawful and leisum to the Land-lord, upon whom the Soldier was quartered, to instruct before a Justice of Peace, or a Commissioner of Excise and Assessment, Magistrat of Burgh, or the next Neighbouring Heretor, by Witnesses, or the Oath of the Party lesed, what was taken on by the Officers or Soldiers, or what Dammages were done by them in their Quarters; which being instructed, and liquidat as said is, the Justice of Peace, and Commissioner of Excise and Assessment, Magistrat of Burgh, or the Neighbouring Heretor, before whom the Value of the said Quartering or Damage shal be instructed and liquidat, shal be holden and obliged

to give the Land-lord, upon whom the Officer or Soldier were quartered, a Declaration bearing the Value of the Quartering and Damages sustained: And Ordains the Collector of the Shire to give Allowance of the same to the Land-lord, out of the fore-end of his Cels or Excise, and that the Collector of the Shire shal have Allowance thereof from the General Receiver: And in case the Land-lord be a Tennent, or other person that is neither lyable for Cels or Excise; In this case, the Heretor of the Ground shal have Allowance of the same, out of the fore-end of his Cels or Excise, due and payable by him, to the effect that the Tennent may get payment thereof. And Ordains the Collectors of the Cels and Excise, to give Allowance to the Land-lord or Heretor of the Ground, of the Sum that shal be contained in the said Delaration, out of the fore-end of the Land-lord or Heretors Cels or Excise, and the Collectors are appointed to give Account thereof to the General-Commissary, or Pay-master of the Army, that he may retain the same off the fore-end of the Officers or Soldiers Pay. And it is hereby declared, that if the Officers first applyed to, as is appointed by the foresaid Proclamation, shal not give Redress, then the Officers Pay shal be lyable as well as the Soldiers Pay, and the Collector and General Receiver shal give Allowance accordingly, and the Collector and General Receiver are ordained to give the said Allowance, under the pain of Deprivation, by and attour the refounding of the Damage of the Party lesed. And Ordains this Act to be publickly read upon the head of every Regiment, Troop, or Company, every time the same is Mustered, that due obedience may be given thereto.

V.

*An Act Touching the Loyal Curing and Packing of Herring
and Salmond-Fish.*

May 12. 1693.



OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, Considering, how much the true and Loyal Curing and Packing of Herring and Salmond-fish, to be Exported forth of this Kingdom, contribute to the advancement of Trade, and general Good of the Nation; **DO THEREFORE**, with Advice and Consent of the Estates of Parliament, Statute, Ordain and Enact, that all Casks to be made hereafter, for Exporting Herring, or Salmond-fish, be made of well seasoned Knappel, or Oak-timber, free from all white Wood, or Worm-holes, the Heads of the Cask dowed, the Step or Stave of a third part of an Inch, at least in thickness, and that none of the Staves be Rift or Clift: And that ilk Barrel for exporting of Herring, contain eight Gallons and two Pints: And ilk Barrel for exporting Salmond, ten Gallons, and be full Hooped, at least on the one end, and have eight Hoops on the other end. And **SICK-LIKE,**

LIKE, that there be kept in each Royal-Burgh, where Casks for Export are made, a burning Seal for marking of such Casks; and that the Magistrats, or Dean of Gild of the respective Burghs, appoint an honest Cowper, for whom they will be answerable, for Visiting and Trying all Barrels made for Export, and that the Maker of the Cask put his own mark upon them, before he sell them, and call a Cowper appointed by a Royal-Burgh to try them, and if they be found sufficient, that he put the Publick Seal of the Burgh upon them, for which the said Cowper is to have four shilling *scots*, for ilk Last from the Maker: and that ilk Barrel, which after such Tryal, shall be found insufficient, be confiscated and disposed upon, for the use of the Poor, within the Paroch where they are made, excepting such parts thereof as the respective Magistrats shall think fit, to give to the Cowper-visitor within the Burgh, for his encouragement: and if the saids Casks shall be found insufficient, after the publick Mark of the Burgh is so affixed thereon, the Cowper who visited the same, is to pay therefore six pound *scots* for ilk Last, and proportionally for ilk Barrel; and whatever Cask shall be put Aboard, before they be visited and marked, as said is, the same are to be seized and confiscated as insufficient, and applyed for the uses above-mentioned. AND SICKLIKE, that all Herring and Salmond for Export be made, Pyned and Cured with French Bay, or Spanish Salt, or with Salt upon Salt, made of Forreign Salt: and that all Herrings for Export (excepting such Herrings as are exported to the Sound, before the tenth day of *september* yearly) be Re-packed, well filled and washed. AND IN LIKE MANNER, that the Magistrats in ilk Royal-Burgh, appoint an honest Man of Judgment, and skill in Curing and Packing of Herring, for whom they shall be answerable to Visite all Herrings, exported out of their Precinct, who is to have a publick Burning-mark, and to affix the same upon all Casks, which are found sufficiently Cured and Packed, and if any shall be found insufficiently Cured or Packed, after Visiting and Trying thereof, they are to be seized and confiscated for the Uses foresaids: And the first Buyer, is in that case to have recourse against the Curer, and Maker of the saids Herrings: but if the insufficiency thereof, be discovered at the Port of Discharge, and be made appear, either by legal Probation from that place, taken before the Dean of Gild, or Merchant Judge, or by the Attestation upon Oath of the Master of the Ship, who Exported the same, and two Merchants of good Fame, declaring the said insufficiency, and that the same happened thorow the not right Curing, Making, or Packing of the Herrings at first; then the Merchant-exporter, is to have recourse for the whole Damage, sustained by the insufficiency thereof, against the first Maker, or Curer of the saids Herrings: AND FOR RENDERING the said Recourse effectual, all Curers and Makers of Herrings, shall put their own Mark upon their Cask by a Burning-Iron and whatever Herrings are Exported without the Markers mark upon the Cask, the Merchants shall have no Recourse for Damages, through the insufficiency thereof: and in case any Cask with Herring be shipped for Export, without the said Mark, the respective Visitors who shall make discovery thereof, are hereby Authorized and empowered to seize and Confiscat the same for the Uses foresaids, LIKEAS,

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Their

Their Majesties with Consent foresaid, ORDAIN and APPOINT the saids Visitors for the severall Burghs, to be admitted to that Trust, upon their taking an Oath *de fidei administratione*, and finding sufficient Caution for that Effect: and that for their pains therein, they shall have six shillings Scots from the Merchant, or Owner, for ilk Last, to be marked by them in manner foresaid. AND FARTHER, it is appointed for preventing all Debate, that may arise betwixt the Visitors, Merchants, and Curers of Herring, through the Visitors their refusing or delaying to mark Herrings, and Salmond that are sufficiently Cured, upon pretext, that they are not sufficiently Cured, in that case upon any such Difference in Burghs-Royal, the Magistrats are to call five honest Men, well skilled in Curing of Herring and Salmond, to decide any such Difference, and in Burghs of Regality, and Barony, or Landwart, the Baillie of Regality, or his Deputs, and the Baron or his Baillie respectively, is to choise the like number of honest Men for that end, and these five honest Men, are first to be sworn upon Oath, before they proceed to Cognosce or Decide in any such matter, and the Visitor shall be obliged to affix their Marks, if these honest Men shall declare them loyally Cured, and that under the Penalty of ten pounds Scots *toties quoties*, and that there be an Act of Court, in presence of the respective Magistrats made thereupon; BUT IN REGARD of the great distance of some places on the Western and Northern Coasts, and Isles, where Herring are in use to be Cured and Packed, from any Burghs-Royal, where thorow the Visitors cannot mark the said Herring, as well and loyally Cured and Packed. THEREFORE IT IS STATUTE AND ORDAINED, that the Exporter of such Herring, who shall buy the samine from these who Cured them, shall be lyable for the unsufficiency of the Cask, and the bad and disloyal Curing of the Herring, conform to this present Act, in the Sum of fourty Pound Scots Money of Penalty, for ilk Last of the said exported Herring, which shall be found unduely Cured, as said is, and that by legal Probation, or by Attestation and Declaration in manner above-mentioned, to be applyed to the behove of the Discoverer allanerly; and for the better advancing of the Trade of exporting Salmond-Fish, Their Majesties and Estates foresaid, DO AUTHORIZE AND IMPOWER, the Magistrats or Dean of Gild, of ilk Royal-Burrow, to put this Act, and other Acts of Parliament made thereanent, to all due Execution: DECLARING NEVERTHELESS, likeas, it is hereby expressly provided and declared, that neither this present Act, nor any thing therein contained, shall prejudice the particular Rights of any Burgh-Royal, within this Kingdom, but that the samine be reserved to them, as accords of the Law: And sikklike declaring, that this Act is, and shall be but prejudice to the Powers, and Priviledges, Rights, and Jurisdiction of the Court of Admiralty.

VI.

ACT for the taking the Oath of Allegiance and Assurance.

May 23. 1693.



EORASMUCH AS, the Imposing and Taking the Oath of Allegiance and the Assurance, Enacted in this current Parliament, as hereto subjoynd, will be a further Security to the Protestant Religion, and Their Majesties Government, in this present exigence: Therefore the King and Queens Majesties, with Advice and Consent of the Estates of Parliament, Statute and Ordain, that the said Oath of Allegiance be Sworn, and the same with the foresaid Assurance, be subscribed by all Noblemen, and their eldest Sons, being past twenty one years of Age, and by all persons in Offices and Places of publick Trust, Civil, Ecclesiastical, and Military, *to wit*, by all Members of Parliament, and Electors of Members of Parliament, All Privy Counsellours, all Officers of State and of the Crown, all the Lords of Session, Advocats, and all others, Members of the Colledge of Justice, the Lords of Thesaury and Exchequer, Lords of Justiciary, and all Members of these Courts, and all Officers, and Members of the Admiralty, & all Officers and Members of the Chancellery, Writers and Under-keepers of the Privy Seal, Post-masters, and their Clerks, all Commissioners to the Convention of Burrows, and their Clerk, and the Servants who officiat under him, and the Agent for the Royal Burrows, the Conservator of the *Scots* Priviledges in *Holland*, and the Factors at the Staple-Ports, all Collonels and other Commissionat Officers of their Train-bands, all persons who are, or shall be Commissioners for Valuation, Re-valuation, or rectifying Valuation of Lands, and all persons having Heretable Offices from the King, not already mentioned in this Act, all Preachers and Ministers of the Gospel whatsoever, and all Clerks in Church-Judicatories & Precentors, and all Heretors voting in the Calling of Ministers, and all others whatsoever, giving Voice in the said Calling of Ministers, at their Meeting for that effect, all persons in this Kingdom named, or to be named Judges, in Commissions of Justiciary, all Members of the Commission for Valuation of Teinds, and Plantation of Kirks, or other Commissions of Parliament, all Sheriffs, Stewarts, Baillies of Royalties and Regalities, Commissars and their Deputs, Clerks and Fiscals, Justices of Peace, Commissioners for the Supply & Excise, Officers of the Mint, with their Clerks and Fiscals, all Procurators before any of the Courts above-mentioned, all Writers to the Signet, all Publick Nottars, and other persons imployed in Writing, or Agenting, the Lyon King at Arms, the Lyon-Deput, Heraulds, Macers, Purfevants, and Messengers at Arms, and their Clerk, all Chamberlains, Collectors, Farmorers, Tacksmen, Sub-collectors of Their Majesties Crown-rents, Customs, Assessment, Excise, Bishop-rents, Vacant Stipends, or any other Mo-

neys belonging, or that shall happen to belong to Their Majesties, all Surveyers, and Waiters for the Customs and Excise, and Clerks in any of these Offices, or Employments, and Clerks of Cocquets, all Magistrats, Deans of Gild with their Council, Thesaurers, Counsellours, and Clerks of Burghs-Royal, and of Regality, or such as officiat for them, all Deacons of Trades and Deacon-Conveeners in the said Burghs, and such as have any voice in electing of Deacons of Trades with all Clerks of Trades, all Jaylors and Keepers of Prisons, and Under-keepers, and their Clerks, and all Masters and Doctors in Universities, Colledges, or Schools, and Keepers of publick Libraries, all Chaplains in Families, and Pedagogues, and Governours to Children and Youth, all Officers in the Army, Forts and Garrisons, and all Masters of Ships and their Mates. All which persons, and every one of them, shall now and in all time coming, publicly Swear the said Oath, and Subscribe the same with the Assurance in manner following, *viz.* The Officers of State & of the Crown, and Counsellors before the Secret Council, all Noblemen and their eldest Sons, past twenty one years of Age, and the chief Commanders of the Forces before the Secret Council, or such as they shal appoint, all the Lords of Session, & all Members of the Colledge of Justice, and others depending upon them, before the Session, or before the Privy Council, or such as the Lords shall appoint, the Lords of Justiciary, and those depending upon that Court, in the Justice Court, the Lords and others Members of the Exchequer, before the Exchequer, the Lord high Admiral & the Judge, and other Officers, & Members of the Admiralty before the Court of Admiralty, all Judges having Commissions of Justiciary, at the first Meeting, before they exerce, by vertue of these Commissions: the Officers and Members of the Chancellory, Writers to, and Under-keepers of the Privy Seal before the Session, or such as the Secret Council shall appoint, Commissioners to the Convention of Burrows, the Clerk and the Servants who officiat under him, & the Agent for the Burrows, before the Convention of Burrows: The Conservator before the Convention of Burrows, or such as the Privy Council shall appoint: and the Factors at Staple-ports, before the Conservator in his Court: Members of the Commission for the Valuation of Teinds, and Plantation of Kirks, or of other Commissions before those respective Commissions, Sheriffs, Stewarts, Baillies of Royalties and Regalities, Commissars and their Deputs, Clerks and Fiscals, before these respective Courts, Justices of Peace, Commissioners for the Supply and Excise before their Conveener, he first qualifying himself in their Meeting, the General of the Mint before the Secret Council, and all other Officers of the Mint, before the General thereof: all Advocats and Procurators, before the respective Courts to which they belong: All Nottars, & other persons imployed in Writing, or Agenting, before the Lords of Session, or such as the Council shall appoint: the Lyon King at Arms, before the Secret Council: the Lyon-Deput, Heraulds, Pursevants, and Messengers at Arms, with the clerk, before the Lyon in his Court: The Macers before the respective Courts wherein they serve, or before these whom the Council shall appoint: Chamberlains, Collectors, Farmorers, Tacksmen, and Sub-collectors of the Crown Rents, Customs, Excise, & Bishop Rents, Surveyers, Waiters and their Clerks, before the Lords of Thesaury and Exchequer,

quer, or before whom they shal appoint Collectors of the Supply and Excise before the Commissioners of Supply and Excise, Magistrates, Deans of Gild with their Council, Theasaurers, Counsellours, & Clerks of Burghs-royal and Regality, Deacons of Trades, and Deacon-Conveeners, and these who have a voice in electing of Deacons of Trades, and Clerks of Trades, before the Council of the Burgh: Officers of the Army, before the Commander in chief, or whom he shall appoint: And Officers of Forts, before the Secret Council, or such as they shall appoint: Masters of Ships and their Mates, before the Court of Admiralty, or such as they shall appoint: And all the other persons above-ranked, without any special appointment, before such as the Privy Council shall appoint. And Their Majesties with Consent foresaid, Statute and Ordain, that the whole Persons above-mentioned, shall swear the said Oath, and Subscribe the same and the Assurance in manner foresaid, betwixt and the twenty day of June next: for which end, all the Inferior Courts, are hereby dispensed with, to Sit to the effect foresaid, excepting Electors of Members of Parliament, and Members of the Commissions above-mentioned, and these giving voice in calling of Ministers, and such as have voice in Electing of Deacons of Trades, who are hereby appointed to take the said Oath, and subscribe the same, with the Assurance, as follows, viz. The Electors of Members of Parliament, before they elect, Members of Commissions, before they exerce the Commissions: And such as have a voice in calling of Ministers, or electing of Deacons of Trades, before they give voice in calling of Ministers or electing of Deacons of Trades; and also, excepting the Conservator, and the Factors of the Staple-ports, who are to swear the said Oath, & Subscribe the same, and the Assurance, betwixt and the fifteen day of August next, And the said Oath & Assurance sworn and Subscribed as above, are to be recorded in the Registers of the respective Courts and Meetings, and the Extracts thereof under the Clerks hands, to be reported to Their Majesties Privy Council, under the pain of Deprivation of the Clerk, for such as are appointed to swear & Subscribe, betwixt and the twentieth of June, to be reported betwixt and the first of August next, & for the rest, within twenty days after their said swearing and subscribing. And it is further Statute and Ordained, that all persons, who shall hereafter be advanced to, or employed in any of the foresaid Offices, Trusts, or Stations, shall at their entry unto, and before their exercising thereof, Swear the said Oath, and Subscribe the same, and the Assurance in manner foresaid, to be Recorded in the Registers of the respective Courts, and reported to Their Majesties Privy Council, within the space of fourty days after taking of the same, and exercising the foresaid Offices, Trusts, Priviledges and Employments, which Reports are to be received, & taken in by the Clerks of Privy Council gratis. And it is hereby Statute and Ordained, That all Persons who shal obtain any free Gift, or Donations from the Lords of Their Majesties Privy Council, Theasury or Exchequer, or shall present any Signature of Pension, Remission, or containing a *denovo damus*, or of any other casualty, except Gifts of Escheats, are to take the said Oath and Assurance, before obtaining the said Gift, or passing the said Signature, certifying such of the foresaid Persons as are, or shall be in any publick Office, Trust,

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or Employment, or who shall owne, and exercise the same, without taking the said Oath and Assurance in manner foresaid, they shall be deprived *ipso facto* of their saids Offices, Trusts and Employments, and Ministers provided to Kirks, shall be deprived of their Benefices, or Stipends, and Preachers not provided to Kirks, shall be punished by Banishment or otherwise, as the Council shall think fit; & all the foresaid Tacksmen shall be punished as the Privy Council shall think fit. And further that they and all other Persons, whether above-ranked or not, who shall not swear the said Oath, and Subscribe the same, and the Assurance, shall not be allowed to keep any Horses above an hundred Merks price, nor any sort of Arms, more than a Walking-sword, Certifying, such as shall be found to have Horses and Arms contrair to this Provision, either in their own, or in the keeping of others, that both the Owner and the Keeper, shall incur the Penalty of one Thousand Merks, the one half to the Informer, and the other to Their Majesties; And Their Majesties with Consent foresaid, Authorizes and Impowers the Lords of Privy Council, to take such further effectual Methods, for Disarming these Persons, and seasing of their Horses above the foresaid value, as they shall judge necessary; as likewise, they empower the Council to call before them, all, or any Heretors, or other Persons, whom they shall think fit. whether above-ranked or not, and to put the said Oath and Assurance to them, and in case of their Refusal, to proceed against them by Fining, Confining, Imprisonment, or Banishment, as they shall see Cause; the Fine if they be Heretors, to be the double of their Cess or Supply, and further (If the Council shall think fit,) not exceeding a years valued Rent; and for others not Heretors, the third part of their escheatable Goods, by and attour the other Penalties, contained in the thirty eight Act of the second Session of this current Parliament: It is also hereby enacted, that the said Oaths of Allegiance & Assurance, are in no case to be imposed, or taken severally, but jointly; declaring hereby, that these who refuse the one, shall be holden as refusing both. And Their Majesties with Advice foresaid, recommends to Their Privy Council, to see this Act put to a due & vigorous Execution, with all diligence: And it is hereby declared, that the foresaid general Power granted to the Council, is to endure until the next Session of Parliament allannerly. And Lastly, it is hereby Provided, that such as have already taken and subscribed the said Oath, and subscribed the Assurance, shall not be obliged, by vertue hereof to take and subscribe the same again in the same Capacity.

The Oath of Allegiance.

I A. B. Do sincerely Promise and Swear, that I will be Faithful, and bear true Allegiance to Their Majesties, King WILLIAM and Queen MARY, So help me GOD.

The

The Assurance.

I A. B. Do in the sincerity of my Heart, Assert, Acknowledge and Declare, that Their Majesties King WILLIAM and Queen MARY, are the only Lawful undoubted Sovereigns of this Realm, as well de jure, That is of Right, King and Queen, as de facto, That is in the Possession and Exercise of the Government: And therefore, I do sincerely and faithfully Promise and Engage, that I will with Heart and Hand, Life and Goods, maintain and defend Their Majesties Title and Government, against the late King James, and his Adherents, and all other Enemies, who either by open or secret Attempts, shall Disturb or Disquiet Their Majesties in the Possession and Exercise thereof.

VII.

ACT for the Levy.

May 23. 1693.



THE STATES OF PARLIAMENT Considering the present Dangers, and that Their Majesties may think it expedient, to Order the Levying of more Forces, for obviating the said Dangers: And being withal most sensible, of the Duty they owe to their Majesties, for these great and manifold Blessings they enjoy by, and under Their Happy Government; Do for themselves, and in Name and Behalf of Their Majesties good Subjects within this Kingdom, by these Presents, Renew the Humble and Hearty Tender of their Lives and Fortunes, for the promoting of their Majesties Service: And further, in Pursuance of their Duties expressed in the Act of Parliament 1663, Entituled, *An humble Tender to His Sacred Majesty, of the Duty and Loyalty of His ancient Kingdom of Scotland*, they do Cheerfully Offer to Their Majesties, a present Levy of Two Thousand Nine Hundred and Seventy Nine Foot, to be Levied off the several Shires and Burghs of this Kingdom, effeiring to Proportions and Numbers set down in the foresaid Act. And to the end, the foresaid Levy may be made effectual, Their Majesties with Advice and Consent of the said Estates of Parliament, Do Order and Appoint the Shires, Stewartries, and Burghs within this Kingdom, to put out and deliver, when they shall be thereto Required, and to such Officers, as shall be Commissionat by Their Majesties for that effect, the foresaid Proportions and Numbers which are hereby appointed to be Levied, according to the Numbers formerly observed in the Militia, and are as follows, viz. The Shires of Roxburgh and Selkirk, one hundred ninety eight; Berwick, one hundred and nineteen; the Shire of Edinburgh, one hundred and nineteen; Haddington, one hundred and nineteen; Peebles, fourty; Linlithgow, fifty; the Town of Edinburgh, Leith and Cannongate, one hundred and nineteen; Dumfries,

Dumfreis, one hundred and nineteen; the Shire of *Wigtoun*, forty five; the Stewartry of *Kircudbright*, seventy five; *Air* and *Renfrew*, one hundred ninety eight; *Lanerk*, one hundred forty nine; *Stirling* and *Clackmannan*, one hundred; *Fife* and *Kinross*, two hundred thirty eight; *Perth*, two hundred thirty eight; *Forfar*, one hundred forty nine; *Kincardine* and *Marischal's* part of *Aberdene*, one hundred and nineteen; the rest of *Aberdene* Shire and *Banff*, one hundred fifty nine; *Elgin*, *Nairn*, and this side of *Ross*, one hundred forty nine; the Earl of *Seaforth* and Lord *Loval* their Division of *Inverness*, one hundred; *Sutherland Caithness*, and the rest of *Inverness*, one hundred and fifty nine; *Argile*, *Dumarton* and *Bute*, one hundred and nineteen; *Orkney* and *Zetland*, one hundred; to be divided and modelled into Regiments, as Their Majesties shall think fit, and to be thereafter payed and maintained from the saids Fonds Imposed, or to be Imposed by this Parliament, for that effect, and that by such Rules of Establishment as Their Majesties shall appoint; which Levies and Proportions, the Commissioners of Supply which now are, or shall be hereafter in the said Shires and Stewartries, with one or two Magistrates for each Royal Burgh, are hereby fully Impowered to make effectual. And it is hereby Provided that where the Master and Tennents shall appoint a man one or more to be put out in the said Levies, the said Person or Persons may be seized and secured by the Sheriff of the Shire, or any two or more of the Commissioners of Supply, or one or two of the Magistrates of the respective Burghs for their Burgh, whenever the said Officer who is to have the said Person or Persons, comes to require them within the Shire. Likeas, the said Commissioners of Supply, with the foresaid Officer, are to Cognosce and Determine upon the sufficiency or insufficiency of them: And in regard, there have been alterations made by the Acts of Parliament, as to the Extent and Bounds of some Shires, since the Act of Parliament one thousand six hundred and sixty three, Their Majesties with Consent foresaid, do Authorize and Impower the Lords of Privy Council, to Adjust the Proportions of the said Shires, notwithstanding of these Alterations, who are likewise hereby Warranted, to give such others Orders in this Matter, as they shall find necessary. And lastly, Their Majesties do hereby graciously Declare, that for a year and a half after the Date hereof, the Militia of the Countrey, or any part thereof, is not to be called out, or made use of, except in the case of an actual Invasion.

VIII.

ACT against Corresponding with France.

May 23. 1693.



OUR SOVERAIGN LORD and LADY, the King and Queens Majesties; Considering that this Kingdom being now in a state of War with the *French King*, is in great and imminent Danger from Correspondencies with persons in his Dominions: Do hereby, with Advice and Consent of the Estates of Parliament, Statute and Ordain, that none of the Subjects within this Kingdom, without expresse leave from Their Majesties, or Their Privy Council, presume to go to the Kingdom of *France*, or any of the Dominions subject to the *French King*, after the first day of *June* next to come; or being already in the said Kingdom of *France*, or Countreys foresaid, presume to Stay or Abide therein, after the first day of *August* next, without expresse leave from Their Majesties or Their Privy Council, under the pain of Treason. And further, it is Statute and Ordained, that none of the Subjects of this Kingdom, Presume, without Authority foresaid, to Correspond, keep Intelligence, or have Commerce by Letters, with any Person residing within the said Kingdom or Dominions, after the Date hereof, under the pain of being punished as Corresponders with declared Traitors; and that this Act continue and stand in force during this War, and no longer: As also, that it be without any Prejudice of any former Acts made against Treason or Treasonable Correspondencies, or the Punishment of such as have already incurred the Pains thereof.

IX.

ACT for Pole-money.

May 29. 1693.



THE ESTATES OF PARLIAMENT taking to their Consideration, that the Arrears due to the Countrey and Army, preceeding the first day of *February* one thousand six hundred ninety one, are not as yet payed, by the Fonds appointed in the former Session of this Parliament, And that it is most Just that the same be duely and truly payed. **THEREFORE**, in Order to the said payment, viz. That the foresaid Arrears due to the Countrey; may be payed in the first place; and then the Arrears due to the Forces, in

in such manner, as that all Officers, Regiments and Troops, may be first brought up to an equal Foot, and thereafter Compleated : and that what remains thereof, may be disposed of, as their MAJESTIES shal think fit, do freely and cheerfully offer the Pole-money following : And for making the same effectual, Their MAJESTIES, with Advice and Consent of the said Estates, STATUTE and ORDAIN, that all persons of whatsoever Age, Sex, or Quality, shal be subject and lyable to the Pole of six shilling *Scots* per Head, except poor persons who live upon Charity, and the Children under the age of sixteen years, and *in familia* of all these persons, whose Pole is one pound ten shilling *Scots*, or under the same. That beside the said six shilling *Scots* imposed upon all the persons that are not excepted, a Cotter having a Trade, shal pay six shilling *Scots* more, making in the whole, twelve shilling *Scots* for every such Cotter. That all Servants, that receive more than six pound *Scots* of yearly Fee, in Money, or otherways, shal pay the twenrieth part of the said Fee, including the six shilling *Scots* of general Pole, which is to be imposed upon all persons that are not above excepted. That all Tennents pay in name of Pole to the King, a Merk, for each hundred Merks of the Masters valued Rent, effecting to their respective Rents, including the foresaid six shilling of general Pole, and appoints the Master of the Ground, to Adjust the proportions of the Pole-money amongst the several Tennents, according to their respective Duties, Payable by them in Money, or *Viſtual*, effecting to his valued Rent. For which Pole, all Pole-Money heretofore appointed to be paid by Tennents to their Masters, is hereby expreſſy Discharged, and the Act or Acts thereanents rescinded. That Tradesmen inhabiting within any Burgh, whether of Royalty, Regality, or Barony, whose free Stock and Means is above an hundred Merks, and does not extend to five hundred Merks, be subject to a Merk *Scots*, including the foresaid six shilling of general Pole. That all Tradesmen living within any of the saids Burghs, whose free Stock and Means extends to five hundred Merks, shal be subject and lyable to one pound ten shilling, including the foresaid six shilling of general Pole. That all Merchants or Shop-keepers, and Tradesmen Inhabitants within any of the saids Burghs, whose free Stock and Means is above five hundred Merks, and does not extend to five thousand Merks, shal be subject and lyable to two pound ten shilling of Pole-money, including *ut supra*. And that those whose free Stock and Means is above five thousand Merks, and does not extend to ten thousand Merks, shall be lyable in four pound, including *ut supra*. That all Merchants, Shop-keepers, Chapmen and Tradesmen, Inhabitants within any of the saids Burghs, or else-where, whose free Estate and Stock does extend to, or is above ten thousand Merks in worth and value, shall be subject and lyable to ten pounds of Pole-money, including *ut supra*. That all Gentlemen so Holden and Repute, and owning themselves to be such, and who will not renounce any pretence they have to be such, shall be subject and lyable to three pounds of Pole-money, if they be not otherways Classed, and upon another consideration made subject to a greater Pole, the said three pounds always including the general Pole of six shilling *ut supra*. That all Heretors above fifty pounds, and under two hundred pounds of valued Rent,

Rent, be subject and lyable to four pound of Pole-money, including *ut supra*. That all Heretors above two hundred pounds *Scots*, and under five hundred pound of valued Rent, be lyable to nine pound of Pole-money, including *ut supra*. That all Heretors of five hundred Pounds of valued Rent, or above the same, and under one thousand pounds of valued Rent, be subject and lyable to twelve pounds *Scots* of Pole-money, including *ut supra*. That all Heretors of one thousand pounds of valued Rent, or above the same, and all Knight-Baronets, and Knights, be subject and lyable to twenty four pounds of Pole-money, including *ut supra*. That all Lords pay fourty pounds of Pole-money, including *ut supra*. That all Viscounts pay fifty pounds of Pole-money, including *ut supra*. That all Earls pay sixty pounds of Pole-money, including *ut supra*. That all Marquesses pay fourscore pounds of Pole-money, including *ut supra*. That all Dukes pay one hundreth pounds, including *ut supra*. That the Sons of Noblemen pay according to their Rank, *viz.* All Dukes eldest Sons as Marquesses, and their younger Sons as Earls. All Marquesses eldest Sons as Earls, and their younger Sons as Viscounts. All Earls eldest Sons as Viscounts, and the younger Sons, shall be lyable in twenty four pounds of Pole. All Viscounts and Lords Sons in twenty four pounds. And that all Noblemens Daughters unmarried, and *foris-familias*, shall be lyable in the third of the Pole of their eldest Brothers. That all Widows, whose Husbands would have been lyable to one Pound ten shilling of Pole-money, or above, are to be subject and lyable to the third part of their Husbands Pole, except Heiresses, who shall be subject to the same Pole their Predecessor would have been. That all Gentlewomen never married, and *foris-familias*, or provided, and in possession of their Estate, shall be subject and lyable in the third part of their eldest Brothers Pole. That all Nottars and Procurators before inferior Courts, and Messengers at Arms, are to be subject and lyable to four pounds of Pole-money, including *ut supra*. That all Writers not to the Signet, Agents and Clerks of inferior Courts, and Macers, shall pay six pounds of Pole-money, including *ut supra*. That all Writers to the Signet, Clerks of Sovereign Courts, all Advocats, Sheriffs and their Deputs, Comissars and their Deputs, and Doctors of Physick, shall pay twenty four pounds of Pole-money, including *ut supra*. That all Ministers having Benefices, or Stipends, and Paroch-kirks not planted shall pay twelve pounds of Pole. That all Officers of the Army, shall be lyable in a days pay for their Pole. That all persons who are to pay the said respective poles, though they be poled in different Capacities, are only to pay once at the greatest Rate. And for the better stating, Ordering, and uplifting the said Pole-money, Their MAJESTIES, with consent foresaid, STATUTE and ORDAIN, that the Commissioners of Assessment, or their *Quorum*, shall Meet and Conveen at the ordinar place of their Meeting upon the second *Tuesday* of *August*, one thousand six hundred ninety four, and there shall divide the whole Commissioners, whether present or absent, into such Divisions as they shall think fit: appointing Paroches, one or more; for Commissioners, one or more as they shall see convenient, to meet the last *Tuesday* of the said Month of *August*, at the respective places to be appointed, Impowering the saids Commissioners, to

take up Rolls and Lists, of all the poleable persons within the respective Bounds appointed to them, containing the Names, Qualities and Degrees of the several persons, and of the value of the Estates belonging to them, conform to the said Acts: and ordains the Magistrats of Burghs Royal, to meet the third *Tuesday* of the said Month of *August*, and to take up Rolls and Lists, of all the poleable persons within their respective Burghs, containing their Names, Qualities, and Degrees, and the value of their Estates; And which Commissioners and Magistrats of Burghs, are to give Intimation at the Kirk-door, upon a *Sunday* upon three days Warning, at least to the persons to be poled, to Compear before them at the Paroch-Church, to give up their Names, Qualities, Degrees and values of their Estates, to the effect, the respective Poles may be stated, and set down by the said Commissioner or Commissioners of Assessment, or Magistrats of Burghs *respective*. And which Rolls, the saids persons are to give up, or send under their Hand if they can write: Otherwise if they cannot write, their Name, Quality, Degree and Estate, shal be marked by the Clerk, as they give it up, excepting Tennents, whose Names, and the Pole-money payable by them, shal be given up, or sent by their Masters under their Hand, with Certification, that such as do not Compear, or send under their Hands their Names, Qualities, and value of their Estate, or do give up their Quality, Degree, or Value of their Estate, otherways than it should be, they shal be lyable in the quadruple of their Pole, the equal half whereof shal belong the Informer, who shal make the same appear. And which Lists and Rolls, being so made up within the respect Sub-divisions, shal be Recorded and Booked in a Register of the Shire, or Burgh, for that purpose: whereof there shal be an Abstract sent to the Lords of the Thesaury, betwixt and the first of *October* one thousand six hundred ninety four, containing the Number of the Persons in the several Classes and Ranks above-specified with the Extent of their Pole. And Their Majesties, with Advice and Consent of the said Estates, do Ordain the foresaid Pole-money to be payed, at, or before the Term of *Martinmass*, one thousand six hundred ninety four: And requires the Commissioners of Assessment, and Magistrats of Burghs, to cause Intimation to be made for the payment thereof, at the Kirk-doors of the several Paroch-Kirks, upon the first *Sunday* of *October* one thousand six hundred ninety four: Certifying such as shal not make punctual payment at the said Term of *Martinmass* one thousand six hundred ninety four, they shal be lyable in the quadruple of their Pole, and Ordains Execution to be used against them for the same, by poynding of their readiest Goods, or imprisoning their Persons. Likewise, Their Majesties, with Advice and Consent foresaid, Hereby Impowers the Lords of Privy Council, to Order and Appoint such further Methods and Courses, as they shal judge fit, for Stating and In-bringing of the Pole-money aforesaid; and to allow out of the said Pole-money, such Charges and Expenses, as shal be necessary for Execution of this Act. And Their Majesties and Estates foresaid, do hereby strictly Appropiate Destine and Appoint the Sums to be raised by this Act, for the ends and use above specified, *viz*: for payment of the foresaid Arrears, due to the Country and the Army, in Manner and in the Order above-mentioned, and the Remainder

mainder to be disposed of by Their Majesties. And hereby prohibits and Discharges, the applying thereof to any other use whatsoever; Certifying such, as shal either give Orders for misapplying thereof, or Intromet with the same. The Misapplyers and Receivers thereof, shal be lyable, Con-
junctly and Severally in the double thereof, at the Instance of any Party concerned, and their privat Estates subject and lyable, for the double of that which shal be so misapplied. And further, it hereby Declared, that where the Arrears due to the Countrey by the Forces, shal be first due-
ly stated, for any Burgh or Shire, conform to the Orders and Rules set down thereanent. The Burgh or Shire to whom the said Arrears shal be found due, shal have Retention, and get a Discharge of their Pole-money, in satisfaction of their said Arrears: And the Declaration of the said Burgh or Shire, getting the said Retention, shal be sufficient for the Collectors Exoneration; and the Commissioners of Supply, and Magistrats of the
foresaid Shires and Burghs *respective*, are hereby impowered, to distribute and proportion the said Pole-money, Retained to the persons there Inhabi-
tants, conform to their Interest in the said Arrears. And where the Ar-
rears due to any Shire or Burgh exceeds the Pole-money, due by the said Burgh or Shire; Then, and in that Case, the *superplus* shal be ordered to be payed by the Lords of the Thesaury, out of the Pole due, and brought in from other places, with regard always to the total of these Arrears, and the total of the said Pole-money; so that if the total of the Arrears shal exceed the total of the Pole, the foresaid *superplus* shal only be payable, and
payed proportionably: and the Lords of Privy Council, are hereby fully impowered, to Decide and Determine finally, all Questions and Difficul-
ties hereby undetermined, that may arise anent the Premisses. And lastly, it is hereby declared, that no persons lyable in payment of this Pole, shal be holden to produce their Discharges, or Receipts of the same, after the
Term of *Martinmass*, one thousand six hundred ninety seven years.

X.

*ACT Ordering Quartering for the Bishops-Rents in the
Bounds of the Synod of Argyle and the Isles.*

May 29: 1693.



OUR SOVERAIGN LORD and LADY, Consid-
ring, that several of the Inhabitants within the Bounds of
the Synod of *Argyle* and the *Isles*, are very refractory in pay-
ing to the Chamberlains and Factors, these Rents which
were formerly payable to the Bishops of *Argyle* and the *Isles*,
and now to Their Majesties, and that the Distance and un-
accessibleness of these Lands, renders legal Executions not only difficult, but
ineffectual for in-bringing of these Rents. Therefore Their Majesties with

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Advice

Advice and Consent of the Estates of Parliament, Statute, Ordain, and Warrant the Factors and Chamberlains, present, and to come, to quarter for the saids Rents, on such as shal delay to pay in due time, in the same manner as quartering is allowed by Law, for Cess and other publick Dues: And the Commander in chief is hereby appointed to give Parties, when required for that effect. And Ordains this Act to endure until the next Session of Parliament.

XI.

ACT Adjourning the Session until the first of November, 1693.

May 30. 1693.



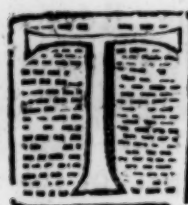
OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, Considering, That the sitting of the Parliament, begun the eighteenth day of *April* last, may continue for some days in *June* next, whereby the Leidges cannot attend the Summer-Session without great Inconvenience, Do therefore, with Advice and Consent of the Estates of Parliament, Adjourn the Meeting of the Session, which should be in Course the first of *June* next, to the first of *November* next, continuing all Actions and Causes, depending before the Lords of Session, to the said first of *November*; And their Majesties dispenses in the mean time with the sitting of all Interiour Courts, as if the Session had not been Adjourned; And further Declare, that the time and space to run betwixt the said first of *June* and the first of *November*, shal not be reckoned in any short Prescription; As likewise that Summons for the second Dyet may be given, at any time in the said Space, as they might had been given during the Summer-Session, if it had sitten. And Ordains these presents to be published at the Mercat-Cross of *Edinburgh*, and to be Printed, that the Leidges may have Notice thereof.

ACT

XII.

ACT concerning Citations to the first and second Dyet.

May 30. 1693.



HEIR Majesties with Advice and Consent of the Estates of Parliament, for the greater Dispatch and Facilitating of Processes, do hereby Rescind that Clause in the Act of Parliament 1672. intituled, *An Act discharging second Summons*, which requires the second Citation to be given after the elapsing of the first Dyet of Compearance: And declare, that in all time coming, it shal be lawful to give Citation for the first and second Dyet of Compearance, at one and the same time, providing the same be done by a Messenger at Arms, as was the use of Summons for the second Dyet. And further, it is hereby expressly provided, that all Copies of Summons, Charges, Inhibitions, Arrestments, or other Letters whatsoever given to the Party, shal bear at length, and not in Figures, the Day and Date of the delivery thereof, as also the Names and Designations of the Witnesses in such sort as the Execution and Indorsation did, and doth bear, the same; Certifying the Messenger who shal omit to insert the said day, and date, and Witnesses in his Copy, that he shal incur Deprivation and Tinsel of his Office.

XIII.

ACT concerning the Preference of Real-Rights.

May 30. 1693.



OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, for the better clearing and determining of Competitions and Preferences of Real-Rights and Infeftments; Do hereby with Advice and Consent of the Estates of Parliament, Enact, Statute and Declare, that all Infeftments, whether of Property or Annualrent, or other Real-Rights, whereupon Seafins for hereafter shal be taken, shal in all Competitions be preferable, and preferred according to the Date and Priority of the Registrations of the Seafins, without respect to the distinctions of Base and Publick Infeftments, or of being cled with Possession or not cled with Possession in all time coming.

XIV.

ACT Concerning the Registers.

May 30. 1693.



OUR SOVERAIGN LORD and LADY, The King and Queens Majesties, Considering, that the many good Acts appointing Registers of Seafins, Reversions, Hornings, Inhibitions, Interdictions, Allowances of Appryfings or Adjudications, that Purchasers and Creditors might know with whom they might safely Contract, have been much frustrated by the Keepers of the Registers, not inserting the same in the Registers at the time, and in the Order they were presented to them, whereby none could know by Inspection of the Registers, what Writs appointed to be registrat were in the hands of the Keepers of the Registers, and thereby could not securely bargain: For Remeid whereof, Their Majesties with Advice and Consent of the Estates of Parliament, Do Statute and Ordain, that all the Keepers of the saids Registers, shal keep Minut-books, of all Writs presented to them, to be registrat in their severall Registers, expressing the Day and Hour when, and the Names and Designations of the Persons, by whom the saids Writs shal be presented, and that the said Minut be immediately Signed by the Presenter of the Writ, and also by the Keeper, and patent to all the Leidges, who shal desire inspection of it *gratis*: And that the Writs shal be Registrat exactly, conform to the Order of the said Minut-book, all under the pain of Deprivation of the Keeper of the Register. And further, Their Majesties with Consent foresaid, Declare the saids Keepers not observing the Premisses, lyable to the Dammage of the Parties prejudged, by the not due observing of this present Act.

XV.

ACT for summar Registrations and Discharging Transferrings active.

May 30. 1693.



OUR SOVERAIGN LORD and LADY, The King and Queens Majesties, with Advice and Consent of the Estates of Parliament, Statute and Declare, that all Writs registrable, may be registrat after the Death of the Creditor, at the Instance of his Heir, Executor, or Assigney, as well as of before; And that upon production of a Service or Retour, in the Case of Bonds or other Writs, Heretable, or a Confirmed Testament, containing the Bond or other Writ, in case they be Moveable, or of a special Affignation, though not intimat in the Case of either; Which Registration shall have the

the same effect both as to Probation and summar Execution, as if the Creditor were still on Life. And further, it is Statute, that if it shall happen the Pursuer to decease at any time, during the Dependence of any Process, raised at his Instance, there shall be no need for hereafter for his Heir, Executor, or Assigney, to raise and obtain a transferring *Adiud*; but the said Heir, Executor or Assigney, is hereby allowed upon Production of his Service or Retour, confirmed Testament, or special Assignment, though not Intimat to insist in the principal Cause; Sicklike in all respects, as the Pursuer at whose Instance the Process was raised, might do if he were still on Life, but prejudice to Transferring *passive*, conform to the former practise as accords.

XVI.

ACT Explanatory anent the Additional Excise.

June 7. 1693.



HE King and Queens Majesties, with Consent of the Estates of Parliament, Do Declare, that the Additional Excise of three Pennies on the Pint of Liquors made of Malt: is to be understood, of all that shall be Vended and Sold after the first of June instant, whether brewed before that time, or after, or brewed within the Kingdom, or without the same, excepting Mum-bear allanerly.

XVII.

ACT anent Advising Concluded Causes.

June 7. 1693.



UR SOVERAIGN LORD and LADY, the King and Queens Majesties, Considering, that by the 16 Act. 3 Sess. 2 Parl. K. Char. 2. Concerning the Regulation of Judicatures: All concluded Causes are appointed to be Inrolled in a particular Roll, and Called every Saturday, which hath not been found sufficient to bring them to a speedy Issue, albeit they ought to have the greatest Dispatch: Therefore, and to the effect that concluded Causes may have speedy dispatch, Their Majesties with Advice and Consent of the Estates of Parliament, Do Ordain the

Lords of Session to Advise summarly all Depositions of Parties which shall
H be

be marked by the Lord Examiner, to be clearly Affirmative or Negative; and further Appoints the saids Lords to nominat an Auditor Weekly, for hearing of Parties upon concluded Causes, conform to the Order of the Roll thereof, who shall make a Report in Writ of the Probation, and mark the particular parts of the Oaths or Writs insisted on for either Party; which Report so prepared, is to ly a Week in the Clerk of the Process hands before Advising, and be patent during that space to all Parties having Interest, and then to be brought in to the saids Lords, who are hereby Ordained to Advise the same each *Saturday*; and also each Afternoon of other days as they shall think fit to meet, until the said Roll be brought up, to the effect, that for hereafter, Causes conculded may be brought to a present Determination.

XVIII.

ACT anent the Signing of Interlocutors immediatly after Voting.

June 7. 1693.

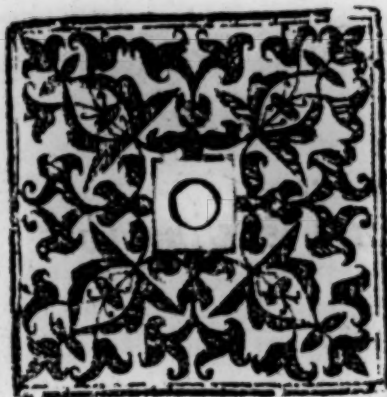


OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, considering, the great delay of Justice, and expenses sustained by the Leidges, and the Trouble that the Lords of Session are often put to, by mistakes that arise from the Method or Wording and Writing Interlocutors. For Remeid whereof, Their Majesties with Advice and Consent of the Estates of Parliament, Statute and Ordain, that in all Points to be voted by the Lords of Session hereafter, the Question being stated, shall be first written by the Clerk *in mundo*, as it shall be agreed to by the Lords, and read immediatly before they go to the Vote, and presently after voting, at least at that Dyet, that the Interlocutor be written by the Clerk upon the Process, and read, and Signed by the Lord Chancellor or President for the time, before a *Quorum* of the Lords sitting in Judgment, declaring all Interlocutors, and the Minuts of definitive Sentences, which shall not be written and signed in manner above-mentioned, shall be null and void, and the Writer and Signer thereof, shall incur the pain of Deprivation.

XIX.

*Act anent the Lords Sitting in the Outer-house
by Turns.*

June 7. 1693.



UR SOVERAIGN LORD and LADY, the King and Queens Majesties Considering, how fit it is, that every one of the Lords of Session, should by himself Exerce the Trust reposed in him, Therefore, They with Advice and Consent of the Estates of Parliament, Statute & Ordain, that every one of the saids Lords shall in person sit his Week in the Outer-house, for determining of Causes, as the same shall fall out by Turns, without imploying of any other to sit for him, unless he be excused by the bail Lords

upon Sicknes, or some other necessar or reasonable Account; In which case, he is hereby appointed to sit, and administer Justice in the Outer-house the first Week, after he shall return to the House again: Certifying hereby such of the saids Lords as shall not sit their Week in the Outer-house, as it shall fall out by Turns, without an Excuse from the bail Lords, or being excused, shall not sit the first Week after they shall return to the House, they shall lose their Sallary for that Session, which is hereby appointed to accress to the Common-stock belonging to the saids Lords.

XX.

*ACT anent Advocats their Subscribing of the Minutes
of Debate.*

June 7. 1693.



UR SOVERAIGN LORD and LADY, the King and Queens Majesties, Considering the great Trouble and Expenses the Leidges are put to, in the rectifying the Mistakes that fall out in the reporting of Causes, either by the inadvertancy of the Reporter, or Negligence of the Clerk, who minuted the Debate. For remeid whereof, Their Majesties with Advice and Consent of the Estates of Parliament, Statute and Ordain, that the Clerk of Process shall make the Minutes at the sight of

one of the Procurators for ilk Party, allowing the respective Procurators to make their Alledgences as they think fit, which Minutes

shall be subscribed by the saids respective Procurators, and by the Lord Reporter, with Certification, that such of the Advocats, who shall not concur to make up the Minuts, being required thereto by the Lord Reporter, that they shall be debarred from the House the space of a Month. And further, the Lord Reporter, is hereby allowed to proceed upon the Minuts to be made up by the Clerk & the Procurator for the other Party at his sight: Declaring likewise, that the Act or Decreet following upon the said Report, shall be holden as done *in foro*.

XXI.

Act anent the Lord Ordinar his not leaving the Outer-Bench.

June 7. 1693.



UR SOVERAIGN LORD
and LADY, the King and Queens
Majesties Considering, that the im-
partial Procedure of a Supreme
Court, Requires that every one of
the Judges thereof should constant-
ly attend that part of the Admini-
stration of Justice committed to him
during the time appointed for his
Turn. Therefore Their Majesties
with Advice and Consent of the E-
states of Parliament, Statute and Or-
dain, That the Lord whose Turn it
is to Sit and Administer Justice as
Ordinar in the Outer-house for a
Week, shal go to the Outer-house.

bench, as soon as his Reports are over, if he have any, and shal Sit there till
Twelve a Clock, Administring Justice; Certifying such of the Lords, as
shal either stay in the Inner-house after their Reports are over, when other
business come to be Advised, or shal return from the Outer-bench to the
Inner-house, and Reason and Vote in matters depending before the In-
ner-house, it shal be a sufficient ground of Declinator against them, com-
petent to any of the Parties that suspects them of Partiality, Declaring al-
ways, that this Act does not extend to the last Week of the Session.

ACT for Settling the Quiet and Peace of the Church.

June 12. 1693.

OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, with Advice and Consent of the Estates of Parliament, Ratifie, Approve, and perpetually Confirm the fifth Act of the second Session of this current Parliament, Intituled *Act Ratifying the Confession of Faith, and settling Presbyterian Church-Government*, in the whole Heads, Articles, and Clauses thereof; And Do further Statute and Ordain, That no person be admitted, or continued for hereafter, to be a Minister or Preacher within this Church, unless that he having first Taken and Subscribed the Oath of Allegiance, and Subscribed the Assurance in manner appointed by another Act of this present Session of Parliament, made thereanent: Do also Subscribe the *Confession of Faith*, Ratified in the foresaid fifth Act of the second Session of this Parliament. Declaring the same to be the Confession of his Faith, and that he owens the Doctrine therein contained, to be the true Doctrine which he will constantly adhere to: As likewise, that he owens and acknowledges Presbyterian Church-Government, as settled by the foresaid fifth Act of the second Session of this Parliament, to be the only Government of this Church, and that he will submit thereto, and concur therewith, and never endeavour, directly or indirectly, the prejudice, or subversion thereof. And Their Majesties with Advice and Consent foresaid, Statute and Ordain, That Uniformity of Worship, and of the Administration of all publick Ordinances within this Church be observed by all the saids Ministers and Preachers, as the same are at present Performed, and allowed therein, or shall be hereafter declared by the Authority of the same, and that no Minister or Preacher be Admitted or Continued for hereafter, unless that he Subscribe to Observe, and do actually Observe the foresaid Uniformity: And for the more effectual Settling the Quiet and Peace of this Church, the Estates of Parliament do hereby make an humble Address to Their Majesties, that they would be pleased to Call a General Assembly, for the Ordering the Affairs of the Church; and to the end that all the present Ministers possessing Churches, not yet admitted to the Exercise of the foresaid Church-Government, conform to the said Act, and who shall qualifie themselves in manner foresaid, and shall apply to the said Assembly, or the other Church-Judicatures competent, in an orderly way, each man for himself, be received to partake with them in the Government thereof: Certifying such as shall not qualifie themselves, and apply to the said Assembly, or other Judicatures, within the space of thirty days after Meeting of the said first Assembly, in manner foresaid, that they may be Deposed by the Sentence of the said Assembly and other Judicatures *tam ab officio, quam à beneficio*, and withal Declaring, That if any of the saids Ministers who hath not been hitherto received into the Government of the Church, shall offer to qualifie themselves, and to apply in manner foresaid, they shall have Their Majesties full Protection, ay and while they shall be admitted, and received in manner foresaid; Providing always that this Act, and the benefit thereof, shall no ways be extended to such of the saids Ministers as are Scandalous, Erroneous, Negligent, or Insufficient, and against whom the same shall be verified, within the space

of thirty days after the said Application; but these and all others in like manner Guilty, are hereby Declared to be lyable and subject to the Power and Censure of the Church as accords: And to the effect, that the Representation of this Church, in its General Assemblies, may be the more equal in all time coming, Recommends it to the first Assembly that shall be called; to appoint Ministers to be sent as Commissioners from every Presbytry, not in equal Numbers, which is manifestly unequal where Presbyteries are so; but in a due Proportion to the Churches and Parochins within every Presbytry, as they shall judge convenient: And it is hereby Declared, That all School-Masters, and Teachers of Youth in Schools, are, and shall be lyable to the Tryal, Judgment and Censure of the Presbyteries of the Bounds for their sufficiency, Qualifications and Deportment in the said Office. And lastly, Their Majesties with Advice and Consent foresaid, do hereby Statute and Ordain, that the Lords of Their Majesties Privy Council, and all other Magistrats, Judges, and Officers of Justice, give all due assistance for making the Sentences and Censures of the Church, and Judicatures thereof to be obeyed, or otherways effectual as accords.

XXIV.

ACT Renewing the Commission for Plantation of Kirks, and Valuation of Teinds.

June 12. 1693.



OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, Considering that by the thirtieth Act of the second Session of this current Parliament, there was Commission granted for Plantation of Kirks and Valuation of Teinds, which not being as yet made effectual. Therefore, the King and Queens Majesties, with Advice and Consent of the Estates of Parliament, Ratifies and Renews the said Commission, with the whole Power thereby granted to the Commissioners therein named, with three to be added of every Estate by Their Majesties Nomination, making in all thirty six, besides the Officers of State, who are supernumerary, and any twelve of them to be a *Quorum*, whereof two of every Estate, with one of the Officers of State; and Confirms the whole Tenor and effect of the foresaid Commission, in manner, and to the end specified in the said Act, with this Addition, That whereas, there is a great difference as to Teinds, whereof the Right has never come in the person of the Heretor of the Lands; and those Teinds, whereof the Right has come in the person of the Heretor, and the Lands thereafter sold, or feued out by the Heretor reserving the Teinds, or where the Teinds are not disposed, that in such a case, the Heretor who sold or feued out the Lands, should no more be obliged to sell those Teinds, than a Superior or other Heretor, can be obliged to sell his Feu-duties, or any other Right of Property that he has reserved, when he sold or feued out the Lands. Therefore, it is Statute and Ordained, that this Commission shall not be extended, as to the selling or buying of such Teinds, whereof the Right has once been in the person of the Heretor of the Lands: and which Lands, were thereafter sold or feued out by the Heretor, with the

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Reservation of the Right of the Teinds, or without disposing of the said Teinds, without prejudice always to the Vassal, or Heretor of the Lands, to value these Teinds in the Terms of the said Act and Commission, and only be lyable thereafter, for payment of the valued Duties. As also it is Declared, that the said Commission, shall not be extended to the buying or selling of Teinds, which formerly pertain'd to Bishops, & now belong to their Majesties by the Abolition of Prelacy, so long as the said Teinds shall remain in their Majesties hands undisposed: nor to Teinds belonging to Colleges and Hospitals, or mortified or destinat for pious uses, without prejudice, to value the saids Teinds conform to the foresaid Act, and be only lyable thereafter for payment of the valued Duties. And because the buying of Teinds in favours of Heretors, hath been much hindred by Patrons Titulars & Tacksmen of Teinds, their offering to allocat the Teinds of the Heretor, pursuing for a Sale after Citation given. It is hereby Statute & Ordained, that after Citation, it shall not be in the power of the foresaid Patrons, Titulars, or Tacksmen, to make an allocation of the Pursuers Teinds solely, but only proportionally of his and the other Teinds, within the Paroch, and within his Right, excepting always, that the Teinds of the Lands, belonging in property to the said Patron, Titular or Tacksmen, shall be free of any part of the said Allocation, if there be sufficient Teind beside. And whereas, many times Heretors intends Action for the Valuation of their Teinds against the Titulars, and others having Right thereto, of design only, that upon pretence of a depending Action for Valuation, they may get a Warrant for leading of their own Teinds, and thereafter suffers the Action for Valuation to ly over, and does not insist therein, by which the Titulars and others, having Right to the Teinds, are exceedingly prejudged. For Remeid whereof, it is Statute and Ordained, that any Warrant to be granted hereafter, by the Commission to Heretors, for leading of their Teinds, shall endure only, until a Protestation for not insisting be obtained, at the instance of the Defender: and it being fit and convenient, that the time of the sitting of the Commission, be limited and fixed to a time, that the Leidges may not be obliged to an uncertain Attendance, Therefore it is Statute & Ordained, that the Commission shall meet, and sit down the first *Wednesday* after the sitting down of the Session, & thereafter shall meet every *Wednesday* weekly in the Afternoon, during the sitting of the Session, till the first *Wednesday* after the rising thereof *Inclusive*, & so to continue their Meetings yearly, during the standing of this Commission: but declares that the Commission shall not meet in the Vacance time, after the first *Wednesday* next, & immediatly following the rising of the Session. Nor is the Commission to meet upon any other days, or any other Dyets, than is allowed by this present Act. And the first Dyet of Meeting of the said Commission, shall be the first *Wednesday* of *November* in this instant year, one thousand six hundred ninety three. And seing it is very inconvenient for Parties, Advocats & others, to attend the Commission at the lower Town-Council-house, where the Commission has been ordinarily in use to sit, these years by-past. Therefore Ordains the Commission to sit in the inner Session-house, where Parties, Advocats and all others concerned, may the more conveniently attend. And Their Majesties Declare, that

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they

they will fill the places of any of the Commissioners that are deceased, or advanced to another State, or shall happen to die, or be advanced to another State during the standing of this Commission, with other persons sufficiently qualified, whose Oaths, for the faithful discharging of their Offices, shall be taken by the Lord Chancellor, and in his absence, by the President of the Commission for the time.

XXV.

ACT anent the Term of Whitsunday.

June 12. 1693.

 **OUR SOVRAIGN LORD and LADY,** the King and Queens MAJESTIES, with Advice and Consent of the Estates of Parliament, for further clearing the thirty ninth Act of the second Session of this Current Parliament, Statute and Declare, that the fifteenth day of May, was since the date of the foresaid Act, and shall be in all time coming, in place of the former Term of *Whitsunday*, all Effects whatsoever, as well as to Removings.

XXVI.

ACT anent Parsonages.

June 12. 1693.



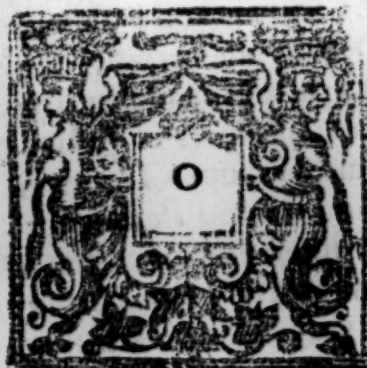
OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, Considering, that by the twenty third Act of the second Session of this Current Parliament, concerning Patronages. It is Statute and Declared, that the Right of the Teinds of Paroches, whereof Patrons had formerly the Presentation by that Act abolished; and which Teinds are not heretably disposed, should, by vertue of that Act, belong to the Patrons, with the Burden always of the Ministers Stipends, & others therein exprest. And that it is just & reasonable, that the said Benefit should be extended to the Patrons of all Personages, & other Benefices without exception. Do therefore with Advice & Consent of the Estates of Parliament, Statute, ordain, & Declare, that the foresaid Right of the Teinds granted to Patrons, as said is, shall be extended to the Teinds of all Parsonages, and other Benefices; and that the same shall belong to the Patrons, with the Burden specified in the said Act; and further with the Burden of Provisions, to two Ministers in one Paroch, if the Commission shall

shall think fit: Providing always, that where the Beneficed person being a Minister, having a Cure, is in possession of the forsaide Teinds as Titular thereof, he shall continue and remain in the possession thereof, ay and while the forsaide Patron shall obtain a just and reasonable Stipend, to be modified and settled upon him, by the Commission for Plantation of Kirks, in Lieu of his said Right, to the Teinds hereby granted to the Patron as said is: which Right shall be, without prejudice of any other separat Right, that the said Patrons either have, or may have to the said Teinds, as accords of the Law.

XXVII.

ACT anent the Lords of Session, their Advising with open Doors.

May 12. 1693.



OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, Considering, that the Advising of Causes with open Doors, is usual in the Sovereign Judicatures of other Nations, and that the like practice here, will be of advantage to the Leidges. Do with Advice and Consent of the Estates of Parliament, Statute and Ordain that in time coming, all Bills, Reports, Debates, Probations, and others relating to Processes, shall be Considered, Reasoned, Advised, and Voted by the Lords of Session with open Doors, where Parties, Procurators, and all others, are hereby allowed to be present, as they used to be formerly in time of Debates, but with this Restriction, that in some special Cases the saide Lords shall be allowed, to cause remove all persons, except the Parties and their Procurators, and that no person presume to speak, after the Lords begin to Advise, under the pain of Imprisonment, unless he be desired by the Lords. And hereby Casses and Annuls all former Laws and Acts of Parliament, appointing or allowing the Lords to Advise with close Doors.

XXVIII.

ACT anent Advising Criminal Processes with open Doors.

June 12. 1693.



TH E King and Queens Majesties, and Estates of Parliament, Considering, that by the 90 *Act. Parl. II. K. Ja. Sixth.* It is Statute, Declared, and Ordained, that the whole Accusation, Reasoning, Writs, Witnesses, and other Probation and Instruction whatsoever of the Crime, shall be Alledged, Reasoned, and Deduced to the Affize, in presence of the Party accused, in face of Judgment, and no otherways; And it being fit and convenient for the Leidges, that Criminal Tryals, which are of so great import, be Solemn and Publick; Do therefore Statute and Ordain. that after the Debate concerning the Relevancy of Criminal Lybels, Dittayes, or Exculpations made by the Parties and their Procurators are closed, that the Commissioners of Justiciary, and other Criminal Judges, shall Advise the same with open Doors, in presence of the Pannal, and Affize, and all others; And that no Person nor Persons presume to speak, unless he be desired, or interrupt, or disturb the Court by Noife, or any other manner of way, under the pain of being sent to Prison, and fined at the Judges Discretion, as they shall think fitting any Law or Custom to the contrary hereof, notwithstanding: Declaring always, that in cases of Rapt, Adultery, and the like; The saids Commissioners may continue their former use and custom, by causing remove all Persons, except Parties and Procurators at the leading of the Probation, as they shall see cause,

XXIX.

ACT anent the Common-Good of Royal-Burrows.

June 14. 1693.



UR SOVERAIGN LORD and LADY, the King and Queens Majesties, considering, that the Royal Burrows of the Kingdom, Erected and Provided, with their respective publick Goods and Revenues, by their Majesties Royal Ancestors, are of late through the mal-administration of the Magistrats, and others, to whom the management of the said Publick Goods and Revenues hath been committed fall

fallen under great Debts and Burdens, to the diminution of the Dignity of Estate of Burrows, and the disabling of them to serve the Crown and Government as they ought; and that the Care, Oversight and Control of the said Publick Goods and Revenues, and of the Administration thereof, doth undoubtedly belong to Their Majesties, by vertue of Their Prerogative Royal, have thought fit to Declare in plain Parliament. Likeas, they do hereby Declare, that as well for what is past, as in time coming, Their Majesties will give Commissions one or more, to such persons as they shall be pleased to nominat, to enquire into the condition and state of the Common Good and Revenues whatsoever of all the Royal Burrows, and how the same hath been heretofore, or shall be hereafter employed or mis-employed, and to call the Malversers and Mis-employers to make account, and to ordain and decern them, and every one of them to relound and repay, or otherwise repair the Burgh or Burghs by them Lefed, as the said Commissioners shall find them lyable. And their Majesties with advice and consent foresaid, Declare, that the Acts and Sentences of the said Commissioners shall have the strength and effect of Acts and Sentences of the Court of Exchequer. And for preventing the like abuses and Misapplications in all time hereafter; Their Majesties with advice and consent foresaid, Statute and Ordain, that every Burgh-Royal within this Kingdom, shall betwixt and the first day of *November* next to come, bring the Lords of their Majesties Thesaury and Exchequer, an exact stated Accompt in Charge and Discharge, Subscribed by the present Magistrats and Town-Clerk, of their whole Publick-Good and Revenues, and of the whole Debts and Burdens, and Incumbrances that do affect the same. And further, that it shall not be lawful for hereafter, to the Magistrats and Town-Council of any Burgh-Royal, to contract any Debts, or give Bond for the same, obliging them and their Successors in Office, without a previous Act made in the Town-Council, in their fullest Convention, both of Merchants and Deacons of Crafts, condescending upon the Causes and Uses for which the saids Debts are contracted, and Bonds granted; certifying the foresaid Magistrats, and others who shall contract Debts, and grant Bonds, without the said previous Act; or if the Causes and Uses condescended on in the said Act, shall not be found to be just, true and real, that in any of the saids cases, the saids Contractors and Subscribers shall be personally lyable, they and their Heirs and Successors in their privat Fortunes, to Relieve and Disburden the Town of the saids Debts; and that by Decreet of the Lords of Session, at the Instance of any Burgess of any of the said Burghs, who have born the Office of Provost, Baillie, or Dean of Gild within the same; but prejudice always to the Right and Security of the Party Creditor, As likewise, but prejudice to any privat persons Rights, as to any of the saids Burghs, as accords,

ACT anent the right making and measuring of Linen-Cloth.

June 14. 1693.



UR SOVERAIGN LORD and LADY, the King and Queens Majesties, considering, how much the Execution of the Good Laws, for the right making of Linen-Cloth, hath been hitherto neglected, to the prejudice of the Liedges and the loss of Trade within this Kingdom. Do therefore, with Advice and Consent of the Estates of Parliament, Ratify, Approve, and Confirm all Acts of Parliament made for the right making and improving of Linen-Cloth, excepting in so far as the same are altered and innovat in manner after mentioned. And for the better encouragement of the right making of Linen Cloth hereafter, and the benefit that may thereby arise to the Leidges: Their Majesties, with Advice and Consent foresaid, strictly prohibit and discharge all Merchants, or other persons, Natives or Strangers, to Export from this Kingdom, any Lint of the native growth thereof, or any Linen-yarn whatsoever, under the pain of Confiscation, not only of the Lint and Yarn, but likewise of all other Goods which shall be bound up in the same Pack or Cask, with any such Lint or Yarn in order to be exported; the one half thereof for the use of the Informer and Attacher, and the other half to the Poor of the Paroeh: certifying all Collectors, Surveyers and Waiters, who shall be any ways accessory to the exporting any such Lint or Linen-yarn, they shall be deprived of their Offices, and declared incapable thereof, in all time thereafter. And likewise, Their Majesties prohibit and discharge, the selling any Linen-yarn not put up into Hesp, each Hesp containing twelve Cuts, and each Cut containing six score Threeds: and that no Reel be made use of, under the measure and length of ten Quarters, under the pain of Confiscation as aforesaid. Likewise, Their Majesties with Advice and Consent foresaid, Statute and Ordain, that all Linen-yarn be sold by Weight. And further, Their Majesties considering, how much the uniform, working and measuring of Linen-Cloth, may raise the value thereof with Natives and Strangers, and render that Trade more easie and acceptable to Merchants, They therefore, with consent foresaid, Statute, Ordain, and Enact, that all Linen-Cloth made for export forth of the Kingdom, and sold in Fairs and publick Mercats, shall be made exact to these two Standarts following, *viz.* Either of the breadth of three Quarters and two Inches Unbleetched, and of three Quarters Bleetched; or otherways of the Breadth of an Ell and two Inches Unbleetched, or a large Ell Bleetched: and that no three-quarter Broad-cloth, shall contain above a thousand double Threeds of Warp: and that all Cloth above a thousand double

double Threeds of Warp,shal be an Ell & two Inches broad Unbleetched, and an Ell large Bleetched. And that all Linen-Cloth to be sold in manner foresaid, be made up in Pieces, and half Pieces, as follows, to wit, all three-quarter Broad-Cloath in pieces, containing eighteen Ells at least, and half piece, containing nine Ells at least; and all Ell-broad Cloth in Pieces, containing twenty four Ells at least, and half Pieces, containing twelve Ells at least: and that all such Linen-Cloth be equally and evenly wrought, according to the due thickness & closeness of sufficient mercatable Cloth: and that all Weavers leave at the end of each Piece, & half Piece, three finger breadth of the Warp-yarn unwasted, to remain for Thrums to each Piece, or half Piece: & that when they cut any Web out of the Loom, they knit every fifty double Threeds together, for the more exact numbring of the warp Threeds of every Web, And sikelike, Their Majesties with Advice and Consent foresaid, Statute and Ordain, that the Owner of all such Linen-Cloth made for export, as afore said, before it be exposed to the first sale, shal be obliged to bring the same to a Royal Burgh where Linen is in use to be sold, there to receive the publick Seal & Stamp of the Burgh, bearing the Coat of Arms of the Burgh upon both the ends of ilk Piece, or half Piece thereof, which shal be a sufficient proof of the just length, and breadth, the evenness of Working, and the due and sufficient thickness & closeness thereof, For which Seal or Stamp, there shall be payed eight Pennies Scots for ilk Piece, and four Pennies for ilk half Piece, to the Marker, Keeper of the said Seal. And for that effect, that there be in each Royal burgh where Linen is in use to be sold, an honest man, well seen in the Trade of Linen-Cloth, appointed to keep the said Seal for marking Linen therewith, at the Rates above-mentioned, who shal be admitted to that Office by the respective Magistrats, upon his giving an Oath *de fidei administratione*, and finding sufficient Caution for that effect: and in case at any time he refuse to Seal and Stamp any Piece, or half Piece of Linen-Cloth, of the length, breadth, evenness, thickness and closeness above-mentioned, that he be fined therefore, at the discretion of the Magistrats: and in case he shall Stamp, or mark any Piece, or half Piece of Linen-Cloth, which shall not be found of the length and breadth prescribed by this Act, he shall be lyable for the sum of twelve pound Scots of Penalty, for each whole Piece, and six pound Scots for each half Piece, by and attour the losing his Freedom within the said Burgh: and in case he shall stamp or mark any Piece, or half Piece, which shal not be found of a due and sufficient evenness and closeness, he shal be lyable for the Sum of three pound Scots of penalty, for each whole Piece, and thirty shilling Scots for each half Piece, to be applyed for the use of the Informer, and the Poor of the Paroch in manner above-written. And Their Mejesties, with Advice and Consent foresaid, strictly prohibit & discharge, the Bleetching of any Linen-Cloth whatsoever, with Lime, under the pain of twenty pound Scots, by and attour the Confiscation of the Cloth so Bleetched, for the uses above-mentioned, And their Majesties, with Advice foresaid, Statute and Ordain, that all Linen-Cloth be taken up and measured by the Selvedge, and not by the Ridge: certifying all such as do in the contrair, that they shal be fined at the Discretion of the respective Magistrats.

Likeas, Their Majesties, with Advice and Consent foresaid, Statute, Ordain, and enact, that all Linen-Cloth which shall be shipped or packed for export, before the marking thereof in manner foresaid, shall be Confiscat for the uses above-mentioned. And in like manner, it is hereby Statute and Ordained, that all Weaving-graith, such as Hedles and Reeds, which are not found of a due length and sufficiency, for Weaving Cloth of the breadth foresaid, after the first day of *November* next to come, shall not only be destroyed; but likeways, that all Weavers who shall have such Graith, shall pay an hundred pound *Scots* for every Loom wherein such Graith is found, *toties quoties*, to be applyed for the uses foresaid. And for the more effectual execution of this Act, Their Majesties, with Consent foresaid, authorize and impower, the inferior ordinary Judges, or Justices of Peace, within their respective Jurisdictions, to put this Act, and all Acts thereby ratified, to due execution; and if they fail, these Judges or Justices of Peace who dwell within the Burgh, are hereby authorized and impowered, to take tryal thereanent, and to put this Act, and other Acts thereby ratified, to Execution in Landwart, out-with their Burghs & Priviledges thereof. And these who dwell in Landwart, are in like manner, Authorized and Impowered, to take tryal, and execute the same within Burgh, whereanent their several Jurisdictions are hereby extended, to the effect abov-written allanerly. And because there are, or may be considerable quantities of Linen-Cloth already made in the Kingdom, not of the breadth and length, evenness, thickness, and closeness foresaid, and that a convenient time ought to be allowed for exporting thereof. Therefore, Their Majesties, with Consent foresaid, Statute and Declare, that it shall be leisome to any persons whatsoever, to export Linen-Cloth, according as the same was in use to be exported, before the making of this Act, at any time betwixt the date hereof, and the first day of *March* next; certifying all such, as shall presume to export any Linen-Cloth, after the said first day of *March*, not marked and stamped in manner above appointed, the same shall be Confiscat for the uses foresaid. And further, Their Majesties with Consent foresaid, Ratifie and Approve, *Act 16. Sess. 2. Parl. 1. K. James 7.* Entituled, *Act for Burging in Scots Linen*, Authorizing and Impowering the several Judges and Justices of Peace, to cause execute the same, in the way and manner as is prescribed by this Act. And for the encouragement of all persons, who shall enter into Companies, or Manufactories for making of Linen-Cloth, It is hereby Statute & Ordained, that all Lint, Flax, and Linen-yarn, imported for the use of such Companies, or Manufactories, and all Linen-Cloth exported by them, shall be free of all Custom, Duties, or Exeise, for the space of

years, next after they shall enter into such Companies, providing the same be entered in, and set up within two years from the date of these Presents: Declaring nevertheless, that it shall be lawful to make all sorts of Dornick and Damask for Table-Linen, and all manner of Linen-Cloth made for private use within the Kingdom, or that is made in the Western Isles, of such length and breadth, as the Owners shall think fit: notwithstanding of this present Act, or any thing therein contained.

XXXI.

ACT for the Communication of Trade.

June 14. 1693.

HOR ASMUCH AS the Convention of Royal Burrows holden at *Dundee*, the thirteenth day of *July* one thousand six hundred ninety two years, being willing to communicat the Benefit of Trade, allowed to them by the Laws and Acts of Parliament, in favours of Burghs of Regalities, Baronies, and others that could relieve them of a proportional part of the Burden imposed upon Trade, did by a Contract of the Date Grant
Power and Commission to Mr. *John Buchan* Advocat, their Agent, and to his Substitutes, for whom he shall be answerable, for the space of three or five years, in the Option of the said Mr. *John*, to cause put the Act of Parliament, made in their favours, upon the fourteenth day of *June* one thousand six hundred and ninety years, to Execution against unfree Traders, & to apply all the Fines, Penalties, and Casualties, to his and their own use and behove, and to communicat the benefit of Trade to Burghs of Regalities, Baronies, and others, during the said space, as he should think fit, Reserving always Power to the Royal Burrows, for the Freedom and Priviledge of Trade, to grant the same upon such Compositions, as they shal think fit, providing always, the saids Compositions were payed in to the said Mr. *John*, for the which, he is obliged to relieve the saids Royal Burrows, during the space foresaid, of ten pounds of the hundred pounds of the Tax-Roll, imposed upon the Royal Burrows by Act of Parliament, as the said Contract more fully bears. OUR SOVERAIGN LORD & LADY, and the Estates of Parliament, considering how just and advantageous Communication of Trade will be to the whole Leidges, when the same is granted by the Royal Burrows, for relief of a proportional part of the Burden imposed upon them for their Trade: Therefore their Majesties with Advice and consent of the Estates of Parliament, do Ratifie, Approve, & Confirm the said Contract, in its hail Heads, Clauses & Articles above-written: And Their Majesties with Advice and Consent foresaid, Statute and Ordain, that sicklike Execution shall pass against the Burghs of Regalities, Baronies, and others, for in-bringing the Proportion of the Burden to be payed by them, for relief of the Royal Burrows, which any of them hath already, or hereafter shall agree unto, in consideration of the Benefite of Trade communicat to them; Sicklike, and in the same manner as is usual for in-bringing of the Cess payable to Their Majesties by the Royal Burrows. And further, Their Majesties with Advice and Consent foresaid, do hereby expressly Statute & Ordain, that after the expiring of the foresaid Contract, betwixt the said Royal Burrows, and Mr. *John Buchan* their Agent, the foresaid Communication of Trade, shal continue, and be perpetuat unto the saids Burghs of Regalities, Baronies, and others, upon the paying or relieving the Royal Burghs, of a just proportion of the hundred pounds of the Tax-roll, imposed upon them by Act of Parliament, effeirand and corresponding to their Trade; And which proportion shal be equally condescended upon by the Royal Burrows, at their first general meeting, after expiration of the said Contract, & thereafter as often as they meet for altering of their Tax-roll: And in case any mistake or inequality shal hap-

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pen in the adjusting the said proportion to be payed by the Burghs of Regalities, Baronies and others, conform to the Trade as aforesaid, then, and in that case, the said Burghs are hereby allowed to apply themselves to the Parliament, for regulating and determining the foresaid *Quota*, according as they shall see just; & upon the Division so to be made of the said *Quota*, then the said Royal Burghs are to distribute & proportion the same amongst the said Burghs of Regalities, Baronies, and others, according to their respective Trades. And their Majesties with Consent foresaid, do hereby strictly discharge all persons whatsoever, to exercise any kind of Trade, under the Penalties contained in the Act of Parliament, except Burgeses, In-dwellers in Royal Burghs, and their Free Ports, by Consent of their Burrows to which they belong, and these who pay their proportion of the said *Quota*, to be payed by the Burghs of Regalities, and other Burghs aforesaid: And to the effect the Burden may be equal and reasonable, and that none be exempted. Their Majesties with Advice and Consent foresaid, Do Authorize, Appoint, and Ordain, any of these who have the benefite of the Communication, to put all Acts of Parliament made in favours of the Burghs Royal in full Execution, against all such un-free Traders within their own bounds and Jurisdictions, as shall not undertake for, and pay a proportion of the said *Quota*, which the Burrows are to be relieved of, and to apply the Fines and Penalties to their own use and behove: Likeas, the Masters or Magistrats of Towns, to whom the Trade is to be communicat, are hereby Authorized to appoint Stent-masters upon Oath within their Towns, for laying on the Burden upon the Traders, and others who have benefite by Trade.

XXXI.

ACT anent Forfaulted Persons.

June 14. 1693.



UR SOVERAIGN LORD and LADY Considering, That by the Act of the fourth of July 1690. *Rescinding Forfaultures and Fines*, There was a Commission granted to certain Persons, to Determine the Cases Referred to their Determination by the said Act, As also, to Cognosce upon some special Remits therein mentioned, with power to Report: Which Remits are either for the most part agreed, or have been neglected to be prosecuted, by the persons Obtainers thereof. DO THEREFORE, with Advice and Consent of the Estates of Parliament, Discharge the foresaid whole special Remits, excepting the Remit of the Case of Master *Francis Montgomery* of *Giffan*, of the Lands of *Hisset*, which with the Consent of Parties, is hereby referred to the Lords of Session, to be by them finally Decided, & he continued in Possession. And their Majesties with Consent foresaid, Ordains the whole Forfaulted persons, restored by the said Act, to be Reponed and Re-entred to the Possession they had before their said Forfaultures, like as if the said special Remits had never been made, And further, That the Lords of Session Administrate Justice to all their Majesties Liedges, upon all the Heads and Articles of the foresaid Act of Parliament, by Process and final Sentence, as being Judges hereby Declared unquestionably thereto competent, notwithstanding of the general Power given by the said Act to the said Commission, either as to all that have the benefit thereof, or as to any Donatar

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tar whatsoever, excepting the foresaid Cases expressly referred by the said Act, to the Determination of the said Commission: viz. The Consideration of the Grounds of Repetition of Fines, the case that Forfaulted persons restored in this Parliament should have of their Annualrents, while they were Dispossessed. And lastly, the forbearance that the saids Forfaulted persons, and the Cautioners for their Debts, ought to have as to principal Sums, in manner mentioned in the said Act. And their Majesties with Advice and Consent foresaid, continue the foresaid Commission, with Power to them, or their former Quorum, to Cognosce the Cases depending before the former Commission: as also these expressly referred by the said Act to their Determination, and to report their Judgment thereanent, to the next Session of this, or any other ensuing Parliament, without prejudice always to the Reports already concluded by the former Commission, to be received when the Parliament shall think fit: As also, without prejudice to any who have pursued before the said Commission, what may be pursued before the Lords of Session, to list their Actions, and pursue the same before the Lords of Session, notwithstanding that the said Pursuits before the said Commission may be brought to a Report.

XXXII.

ACT for the Encouraging of Forraign Trade.

June 14. 1693.



OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, Considering, how much the Improvement of Trade, concerns the Wealth, and Welfare of the Kingdom, and that nothing hath been found more effectual for the improving and enlarging thereof, than the Erecting & Encouraging of Companies, whereby the same may be carried on, by undertakings to the remotest parts, which it is not possible for single persons to undergo; Do therefore with Advice and Consent of the Estates of Parliament, Statute and Declare, that Merchants more or fewer, may Contract, and enter into Societies and Companies, for carrying on of Trade, as to any Subject or sort of Goods and Merchandize, to whatsoever Kingdoms, Countries, or parts of the World, not being in War with their Majesties, where Trade is in use to be, or may be followed, and particularly besides the Kingdoms and Countries of Europe, to the East and West Indies, to the Straits, and Trade in the Mediterranean, or upon the Coast of Africa, or Northern Parts, or elsewhere as above: Which Societies and Companies, being contracted & entred into upon the Terms, and in the usual manner, as such Companies are set up, and in use in other parts, consistently always with the Laws of this Kingdom. Their Majesties with Consent foresaid Do hereby Allow and Approve, Giving, and Granting to them, and each of them, all Powers, Rights and Priviledges, as to their Persons, Rules and Orders, that by the Laws are given to Companies allowed to be erected for Manufactories. And farther, Their Majesties for their greater Encouragement, Do hereby upon the serious Recommendation of the Estates of Parliament, Promise to give to these Companies, & each of them, Their

Letters patent under the Great Seal; Confirming to them the whole fore-
said Powers and Priviledges, with what other Encouragements Their
Majesties shall judge needful; and in the Form, and with the Solemnities
in such cases accustomed. And the Estates of Parliament, do further re-
commend it to Their Majesties, that in case any of the saids Companies to
be entred into, and set up as said is, shall in their Endeavours for the ad-
vancing and promoting of Trade, specially to the foresaid remoter Parts
happen to be Attacked, and violently Seized, or otherways disturbed,
by Persons not in open War with Their Majesties; that then and in that
case, Their Majesties would be pleased to order, that the Recovery of the
Ships and Goods so seized, or otherways molested and hindred, be carried
on and prosecute by publick Means, and at publick Expense, as Their Ma-
jesties shall think good, and that for the space of seven years after the date
of these presents, or further after erecting of the saids Companies, & grant-
ing to them their Letters Patent, as Their Majesties shall see cause.

XXXIII.

ACT anent Reset, Intercommuning, &c.

June 15. 1693.



THE KING and QUEENS MAJESTIES, and the E-
states of Parliament, Considering, That by the Laws of
this Kingdom, particularly the 144 *Ad. Parl. 12. King
James 6.* The Crimes of Harbouring, Reset, Intercom-
muning, Maintaining, Assisting, doing Favours to
Conversing and Corresponding with Rebels for fault-
ted, or Declared Fugitive by Act of Adjournal, or Let-
ters of Intercommuning for the Crimes of Treason, are
Crimes of a high Nature, and punishable with the Pains of Treason; And
by the 27 Act of the 2d Parliament of King *James the 1st.* It's Statute
that no man willfully shall Reset, Maintain, or do Favours to open and
manifest Rebels against the Kings Majesty, & the Common Law under
the pain of Forefaulture; and in regard Persons guilty of the Crimes of
Treason, are often-times unknown to many of the Leidges, so as the
good Subjects may be ensnared, and innocently involved, and brought un-
der the hazard of the pains of the said Crime of Treason, when there is no
Dole or Fault which is required by Law in all Crimes. Therefore Their
Majesties, and Estates of Parliament, Do Statute and Ordain, that in all
time coming, no person nor persons, shall be culpable or lyable for the
Crimes of Reset, Intercommuning, and others above-specified, unless it
be proven, that he knew the Party that he Reset, or corresponded with
any Law, Custom, or Practique to the contrary hereof notwithstanding.

XXXIV.

XXXIV.

COMMISSION for Regulation of
Judicatories.

June 14. 1693.



OUR SOVERAIGN LORD and LADY, from their Royal and Princely Care, of the Good and Welfare of this their Ancient Kingdom, being desirous to prevent and redress all abuses, and unwarrantable Exactions within the same, especially in Officers of Publick Trust, and in the Dispensation of Justice to the effect the same may be speedily and impartially administrated, with as little Trouble and Expense to Their Subjects, as the nature of such Affairs and Proceedings can admit of; And Their Majesties likewise considering, that there was a Commission granted by King *Charles* the 2^d. of the date the 21 of September 1669. for the same end and purpose, whereby the persons therein mentioned were Authorized, and impowered to make such Rules, Orders, and Constitutions, as might prevent the same in time coming; And who in pursuance of the said Commission, did agree upon certain Articles of Regulation relating to the Session, Justice-Court, and Exchequer, all which are ratified by the 16 Act of the 3^d. Session of the 2^d. Parl. of King *Charles* the 2^d. But the saids Commissioners were not able through the shortness of time, fully to perfect and accomplish so great and necessary a Work as the Good and Interest of the Kingdom requires: And Their Majesties being now fully resolved to prosecute so good a Work, for the universal good of their Subjects, and to perfect the same, that their Subjects may be convinced, & sensible of the great happiness and prosperity enjoyed by them, under their Protection and Government. Therefore the King and Queens Majesties, with Advice and Consent of the Estates of Parliament, Do give full Power, Warrant, and Commission to such persons as shall be nominated by Their Majesties (whereof such a number to be a *Quorum*, as Their Majesties shall appoint) to meet and convene at *Edinburgh*, the
day of _____ and thereafter, at such times and dyets, as they themselves shall appoint, with power to the saids Commissioners, to take full and exact Tryal of all Abuses, and other Exorbitancies or Exactions, which are practised in prejudice of their Majesties Leidges, in any Offices of Judicator, or others within this their Antient Kingdom, and to take Tryal and Information by all manner of Probation thereanent, and how the saids Abuses have crept in, and from what time, and to take notice and Tryal of the Authors and Committers thereof, and to transmit
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an exact and perfect Account of the same to Their Majesties, that they may signifie their Royal Pleasure, and give what Directions therein they think just: And for the effectual preventing and restraining the same in time coming. Their Majesties, with Advice and Consent foresaid, Do hereby Authorize and Impower the foresaids persons, or *Quorum* of them, to make such Orders, Acts and Constitutions, for regulating the same in time coming, as they shall find just, under such Penalties and Certifications to be incurred by the Contraveeners, as the saids Commissioners shall find necessary in that behalf; All which Acts, Ordinances, and Constitutions to be made by the saids Commissioners, and approven under his Majesties Royal Hand, Their Majesties, with Advice and Consent foresaid, Do Ratifie, Approve and Confirm, and Decerns and Ordains the same to be put in Execution, and to have full Force, Strength, and Effect, against the Contraveeners in all time coming. And likewise, Their Majesties with Consent foresaid, Do hereby Authorize and Impower the saids Commissioners, to prescribe and set down clear and distinct Rules for the inferior Judicatories in this Kingdom, as to their Competency, and the nature of their Jurisdictions, that the Leidges may be at a certainty, and not be put to trouble and expense, by being called and forced to compear, and attend before different Courts, for the same Cause, hereby inhibiting and discharging the saids Judges to proceed, or determine in any other Actions or Causes, than what shall be found by the saids Commissioners to be proper and competent for their Jurisdictions; Declaring all such Acts and Decrees to be given and pronounced by them, in matters not competent to their Jurisdictions, to be null and void, and the Judges to be lyable to the Dammage & Prejudice of the Party grieved, and to be punishable at the sight of the Lords of Privy Council, for transgressing their Jurisdiction; And to the effect, so just and necessary a work may meet with no Obstruction from the negligence or not attendance of the foresaids Commissioners: Their Majesties with Advice and Consent foresaid, Statutes, Ordains, and Declares, that the Commissioners, who without a just and lawfull Excuse (to be allowed by such of the Commissioners who shall meet) shall not attend the Dyets of Meeting appointed, or to be appointed, for carrying on of the said Work, shall incur the pain of one hundred pounds Scots Money, *toties quoties*, to be disposed of by the Commissioners, as they shall think just; And for which, Letters of Horning and Poynding are hereby granted. And it is hereby Declared, that this Commission shall continue and endure during Their Majesties Pleasure, and ay and while the same shall be recalled, or discharged by Their Majesties.

XXXV.

**ACT anent Procuratories of Resignations, and
Precepts of Seafin.**

June 15. 1693.



OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, considering that Procuratories of Resignation, and Precepts of Seafin, do become void by the death of the Granters, als well as of the Parties in whose favours they are granted, albeit they be granted in *rem suam*, and wholly in favours of the Receiver, and that thereby a great and unnecessary Expense is occasioned for obtaining these Procuratories and Precepts renewed. Therefore Their Majesties with Advice and Consent of the Estates of Parliament, Do Statute, Ordain and Declare, that Procuratories of Resignation, and Precepts of Seafin, either already granted, or to be granted, shall in all time coming, continue in full Force, and be sufficient Warrands, not only for making of Resignations, and taking Seafins in favours of the Parties to whom they are or shall be granted, but likewise in favours of their Heirs, Assigneys, and Successors having Right to the said Procuratories and Precepts, either by a general Service, or by Disposition and Assignment, or by Adjudication, as well after as before the death of the Granters or Parties to whom they are Granted, or both, Providing always that the Instruments of Resignation and Seafins taken after the death of either Party, express the Titles of these in whose favours the Resignation is made, and to whom the Seafin is granted, and that the same be deduced therein, otherways to be void and null. Excepting always from this Act Precepts of *Clare Constat*. And it is further hereby Declared, for the greater Security of Purchassers and others, that Charters granted by subaltern Superiors, may bear a Clause of Registration, als well as Dispositions, and that on the said Clauses Registration may follow, but only in the Books of Council and Session, and in no other Record.

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XXXVI

XXXVI.

ACT Explaining an Exception in the Act anent Patronages, for the Provostry of Hamiltoun.

June 15. 1693.



ERASMUCH, As by the Exception mentioned in the end of the 23. Act of the 2 Session of this current Parliament, concerning Patronages, The Superiorities belonging to the Deanry of Hamiltoun, and Provostry of Bothwell, whereunto the Duke of Hamilton has Right, are excepted; and there being a mistake in the Designation of the Deanry of Hamiltoun for the Provostry of Hamiltoun, it not being a Deanry but a Provostry: Therefore the King and Queens Majesties, with Advice and Consent of the Estates of Parliament, for clearing that Exception in the said Act, Statutes and Ordains, That the Superiorities belonging to the Provostry of Hamiltoun, and the Provostry of Bothwell, whereunto the Duke of Hamilton has Right, are no ways comprehended in the said Act concerning Patronages, but are expressly excepted out of the samen.

XXXVII.

ACT Prorogating the Dyet of the Ministers taking the Oath of Allegiance and Assurance.

June 15. 1693.



OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, Considering that the twenty Day of this instant, Appointed for the Ministers and Preachers, School-masters and Pedagogues, to take and subscribe the Oath of Alledgeance, and subscribe the Assurance, by the late Act thereanent, is too short a time to reach the furthest parts of the Kingdom; Do therefore with Advice and Consent of the Estates of Parliament, Prorogat the foresaid time, to the tenth Day of July next to come; Ordaining them to give Obedience to the foresaid Act, betwixt and the said day peremptorly, under the pain therein contained; and for that effect prorogats the Commission given by the Lords of the Privy Council, to the Persons thereby appointed for that effect, with

with Power to them, to Meet before, upon the
said Month, in manner Ordained in the said Act.

day of the

XXXVIII.

***Additional ACT anent Fines and Forefaulted
Persons.***

June 15. 1693.



UR SOVERAIGN LORD and LADY, the King and Queens Majesties, For an Addition to the Act made in this Session of Parliament, in favours of the persons Restored against their Forefaultures and Fines, by the Act One Thousand Six hundred and Ninety: Do hereby Statute and Ordain, That the Lords of Session, declared to be Judges Competent by the said Act, and Ordained to Administat Justice thereon, in manner therein Provided, shall do the same to the Persons therein concerned summarly, and Discus all their Actions and Causes in the Premisses, without abiding the Order of the Roll, for their more easie and effectual Restitution.

XXXIX.

ACT for the Justiciary in the Highlands.

June 15. 1693.



UR SOVERAIGN LORD and LADY, the King and Queens Majesties, For the more effectual suppressing of the Depredations and Robberies so frequently Committed in the Highlands, to the Prejudice and Ruine of many of Their good Subjects, and to the Reproach of the Laws and Government of the Kingdom. Do therefore with Advice and Consent of the Estates of Parliament Enact and Declare, that Their Majesties by virtue of Their Prerogative Royal, may grant Commissions of Justiciary, one or more, and for such time as they shall think fit for the Bounds of the Highlands, with all the Powers necessary and usual in such Commissions; and excepting therefrom the Bounds and Land,
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14 K. William and Q. Maries first Parliament.

lying and comprehended within the Heretable Right of Justiciary-General pertaining to the Earl of *Argile*, as also, the Heretable Right of Justiciary-General pertaining to any other within the Bounds foresaid: Providing nevertheless, that if at this time, Their Majesties shall think fit, for the necessary Repressing of the foresaid Crimes and Disorders, to grant Commissions for the space of two years, for the Bounds not above excepted, the foresaid Persons having Right to the Heretable-Justiciaries-General, shall at the same time, grant sufficient Commissions to the same Persons that shall be Named by Their Majesties in the foresaid Commissions for their respective Bounds, to the effect that all Acting of Consent, the foresaid Depredations and Robberies may be the more effectually Punished and Restrained, by vertue of Their Majesties Royal Authority, to be Exercised by the saids Commissioners, and Deputies of Justiciary, in manner above exprest, without prejudice always to the whole foresaid Persons, and Lords of Regality, and all others of their several respective Rights and Jurisdictions, and also reserving their Right of Prevention for fifteen days, and their Rights to all Escheats and other Casualties, as accords. And further, for the Ends foresaid, Their Majesties with Advice and Consent foresaid, Do hereby Revive the Act of Parliament 1633, against the *Clangrigor*, and that notwithstanding the same was Rescinded in the year 1661, which Act Rescissory, Their Majesties hereby annul and make void; and Their Majesties Considering, that the extending of Acts made anent Clans and their Chiftains, for the more effectual Repressing of Thefts and Depredations in the Highlands, may also be singularly useful for preserving of the publick Peace; Do therefore hereby extend the same to the case of the publick Peace, and for preserving thereof, as well as to the case of the said Thefts and Depredations.

X L.

ACT against Trophaneness.

June 15. 1693.



OUR SOVERAIGN LORD and LADY, taking to Their serious Consideration, the Profanity and Immoralities that so much at present abound, and how much it concerns the Glory of God, the Honour of the Protestant Religion, and the Good and Peace of the Kingdom, that they be repressed and restrained. Do therefore, with Advice and Consent of the Estates of Parliament; hereby Ratify and Revive all Acts of Parliament, formerly made against Sabbath-breaking, profane and idle Swearing, Drunkenness, and other Immoralities whatsoever: Ordaining the same to be put to strict Execution with all Diligence. And for the better effectuating thereof, Do hereby Impower, and Ordains every Presbytery within this Kingdom, to appoint one or more within their respective Bounds, whom they shall think fit to choise, to take notice of the foresaid Vices

Vices and Immoralities, and to delate and prosecute the persons guilty thereof, before the Magistrats of the Bounds, conform to the Tenors of the said Acts: And allowing to them out of the Fines and Penalties that shall be incurred, not only their whole Charges and Expenses of the said Prosecutions, but also such further Rewards, as the Lords of Their Majesties Privy Council shall think fit.

XLI.

ACT anent the Quorum of the Commission for Visitation of Colledges and Schools.

June 15. 1693.



THE King and Queens Majesties, Considering, that in the Commission granted in the second Session of this current Parliament, for Visitation of Universities, Colledges and Schools, the Major part of the Visitors, is appointed to be a *Quorum*, and seing there may be Difficulty to get so great a Number as the Major part of them to Meet, And that thereby the Prosecution of the said Commission may be frustrat: Therefore Their Majesties, with Advice and Consent of the Estates of Parliament, Do Ordain Eleven of the persons nominat by that Commission to be a *Quorum*, in place of the Major part formerly appointed by the said Commission.

XLII.

ACT Salvo Jure Cujuslibet.

June 15. 1693.



OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, taking to Consideration, that there are several Acts, and others past and made in this Session of Parliament, in favours of particular Persons, without Calling or Hearing of such as may be thereby concerned and prejudged: Therefore Their Majesties, with Advice and Consent of the Estates of Parliament, Statutes and Ordains, that all such particular Acts, and others past in manner fore-said, shall not prejudice any Third Party of their lawfull Rights, nor of their Actions and Defenses competent thereupon, before the making of the saids particular

particular Acts; and the Lords of Session, and all other Judges within this Kingdom, shall be obliged to judge betwixt Parties according to their several Rights standing in their persons before the making of the saids Acts: All which are hereby Exponed and Declared to have been made, *Salvo Jure Cujuslibet.*

XLIII.

ACT of Adjournment.

June 15. 1693.



HE KING and **QUEENS** Majesties Declares this Parliament Current, and Adjourns the same to the Twelfth day of *September* next to come; Ordaining all Members of Parliament, Noblemen, Commissioners for Shires and Burghs, and all others having Interest; to attend at *Edinburgh* that day at Ten a Clock; and that there be no new Elections in Shires or Burghs, except upon the death of any of the present Commissioners.

Collected and Extracted from the Registers and Records of Parliament, by

TARBAT, Cls. Registr.

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The Orders of the House corrected and enlarged.

Affurance of Life given to Serjeant *Faa*, *James Wilson*, and *Neilson*.

Act and Warrant to the Lord *Cardross*, and Sir *Colin Campbell* of *Aberuchil*.

Approbation of the Report of the Committee for Security of the Kingdom
concerning the present Danger.

Act for Levying of Sea-men.

Warrant for the Sitting of Inferior Courts.

Remit of the Countess of *Sutherland*'s Process against the Countess of *Weems*.

Warrant for the Heretors of *Forfar* Shire, to elect Commissioners.

Act and Ratification in favours of the Earl of *Melville*.

Warrant to pursue *Navel Payne*.

Remit in favours of the Earl of *Sutherland*.

Protection in favours of *John Skeen* of *Halyards*.

Act in favours of the Lord *Polwarth*.

Remit in favours of the Lady *Harden*.

Act enabling *Agnes Campbell* to Acquire and Contract without the Con-
course of her Husband.

Warrant to Pursue the Duke of *Gordon* and the Earl of *Seaforth*.

Act in favours of *Robert Cunninghame* of *Auchinbarvie*.

Decreet in favours of *Walter Cheisty* of *Dalry*.

Act in favours of Captain *William Burnet*.

Decreet Sir *William Sharp* of *Scots-Craig*, against the Earl of *Murray*.

Remit of some Heretors of *Forfar*-Shire to the Privy Council.

Remit in favours of *Janet Knox*.

Act in favours of the Laird of *Drum* and his Administrators.

Act in favours of the Earl of *Dundonnald*.

Act prorogating the Fast within the Town and Suburbs of *Edinburgh*.

Decreet *Scot of Heycheester* against Sir *John Dempster* of *Pitliver*.

Recommendation in favours of the Earl of *Glencairn*.

Act in favours of the Town of *Edinburgh*.

Act in favours of the Burgh of the *Cannongate*.

Protestations of the Burghs of *Glasgow*, and *Stirling*, and some of the Mer-
chants of *Edinburgh* against the Act for Communication of Trade.

Act in favours of the Manufactories of Linen-cloth, Woollen-cloth, and
Bayzes.

Act in favours of *Alexander Monro* of *Beacrofts*.

Decreet in favours of the Children of Sir *Thomas Stuart* of *Kirkfield*.

Act in favours of Doctor *Chamberlain*.

Act in favours of *Marmaduke Hudzeon*.

Act in favours of *William Scot*.

Act in favours of the Lady *Billie*.

Remit in favours of the Earl of *Argile*, and others.

Act and Remit the Processes against the Duke of *Gordon*, Earl of *Seaforth*,
and *Navel Payne*.

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Act in favours of the Earl of *Morton*.
Act and Remit in favours of the Lady *Castlehaven*.
Act in favours of the town of *Glasgow*, and Captain *Anderson*.
Act in favours of the Burgh of *Irwine*.
Remit for Re-valuations, the Shires of *Forfar*, *Fife* and *Cromartie*, to the
Privy Council.
Act in favours of the Earl of *Melvil*, and Lord *Polwarth*.
Remit in favours of *John Weir* of *Newtown*.
Act in favours of Sir *Archibald Cockburn* of *Langtoun*.
Remit of all Appeals for Remeid of Law.
Act for several Fairs, and Weekly Mercats.
Ratification in favours of the Earl of *Tweeddale*, Lord Chancellor.
Protestation the Earl of *Melville* Lord Privy-Seal against the same.
Ratification in favours of the Countess of *Rothies*, and the Lord *Leslie* her Son.
Ratification in favours of the Merchant-Company of *Edinburgh*.
Protestation the Trades of *Edinburgh* against the same.
Ratification in favours of the *Counongate*.
Ratification in Favours of the *Flethers* of *Edinburgh*.
Protestation the *Land-mercat Flethers* against the same.
Ratification in favours of *John Ross* of *Nuick*.
Ratification in favours of *George Moncreiff* of *Reidie*.
Ratification in favours of *Mr. Archibald Hope* of *Raukeillor*.
Ratification in favours of *James Hamilton* of *Little-Ernock*.
Ratification in favours of *Anna Dutchess* of *Buckclough*, and the Lord
Dalkeith her Son.
Ratification in favours of *Thomas Hay* of *Balhoufie*.
Ratification in favours of Sir *John Scot* of *Ancrum*.
Ratification in favours of *Mr. John Ker*, Son to the Earl of *Lothian*.
Ratification in favours of the Town of *Edinburgh*.
Protestation *Mr. Hugh Dalrymple* against the same.

E I N I S.

These are Allowing the *Act* and *Ratification* past in Parliament, on the Twelfth Day of June, One Thousand Six Hundred and Ninety Three Years; Together also with the *Acts* to which it Relates, and therein Narrated in favours of *George Earl of Melvil*, Lord Privy Seal, to be Printed:

TARBAT, Cls. Registri.

ACT and RATIFICATION in favours of
George Earl of Melvil.

June 12. 1693.



OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, and Estates of Parliament, taking to Their Consideration the Petition given in to them by *George Earl of Melvil*, Lord Privy Seal, &c. Mentioning, That where in the second Session of this current Parliament, when the said Earl of *Melvil* was Their Majesties Commissioner, there past two Acts in his favours, one of them Entituled, *An Act of Dissolution dissolving the Lands and Barony of Mony-mail, Raith, and Balweary, and others partaining to him, from the Crown*: The other *Act for Rescinding of his Forfaulture*. Which two Acts, albeit Warranted by a special Letter under His Majesties Hand, of the Date the day of One thousand six hundred and ninety years Yet left at any time thereafter it might come to be Quarrelled as past when he was sole Commissioner himself, and had the only Power from His Majesty to Ratifie and Approve the Acts past in that Session of Parliament, and Adhibiting the Royal Authority thereto; and that it is notour to the Parliament, that the Grounds and Reasons whereupon the saids Two Acts were past, were just and good: Therefore humbly Craving, that his Grace and the Estates of Parliament, might Ratifie and Approve the foresaid Two Acts, in the haill Heads, Clauses, Tenor, and Contents thereof, and Declare the samen to be of als great Force, Strength, and Effect, as if any other Person had been Their Majesties Commissioner when the samen were past, and Dispense with that or any other Objection that may be Moved, or Pretended against the samen, and that this Act be Excepted from the Act *Salvo Jure*, as the samen in it self more fully bears. Therefore, Our said Sovereign Lord and Lady, and the Estates of Parliament, Ratifie, Approve, and Confirm the foresaid Act of Dissolution in favours of the said *George Earl of Melvil*, whereof the Tenor follows. 'At Edinburgh, the Twenty second day of July, One thousand six hundred and ninety years:

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' The Estates of Parliament taking to their Consideration a Letter under
 ' His Majesties Royal Hand, of the Date at *Kensington*, the Fourth Day
 ' of *June* last by-past, Whereby His Majestie Authorizes the said Estates to
 ' Dissolve from the Crown and Patrimony thereof, the Lands and Estate
 ' of *George Earl of Melvil*, His Majesties Commissioner for holding the
 ' present Session of this Current Parliament, Annexed thereto by the Fourty
 ' second Act of the Parliament One thousand six hundred and eighty five
 ' years, Conform to a Decreet and Sentence of Forfaulture Pronounced
 ' against him, on the day of in the said year; against
 ' which Sentence and Decreet, he is now Restored *per modum Justitie*, by
 ' an Act of this present Parliament, as to which His Majesty has been plea-
 ' sed to Declare in the said Letter His Royal Purpose of giving back to the
 ' said Earl, his said Lands and Estates, in so far as His Majesty might have
 ' pretended Right thereto, and of Interposing His Royal Assent to the Act
 ' of Dissolution to be past thereupon, in manner after-mentioned: Therefore
 ' the Estates of Parliament, in a Dutiful Acknowledgment of His Majesties
 ' Justice, and Royal Will, Declared to them thereanent, Do by the Te-
 ' nor hereof, Statute, Ordain, and Declare, that the Lands and Barony of
 ' *Monymail, Raith and Balweary*, and others belonging to the said Earl,
 ' and Annexed by the foresaid Act, be Dissolved: Likeas, they hereby
 ' are, and shal be Dissolved from the Crown, and Patrimony thereof,
 ' and from the said Act, and all other Acts of Annexation, and from all
 ' Clauses and Conditions therein-contained, in all time coming: Likeas,
 ' the said Estates, Authorized thereto as said is, Do Find, Discern, and
 ' Declare, that this Act of Dissolution, shal not be understood to fall under,
 ' or be comprehended in any Act *Salvo Jure*, to be past in this or any other
 ' Session of this current Parliament, but that the same is hereby expressly
 ' Excepted therefrom in all time coming. *Extracted forth of the Records of*
 ' *Parliament, by me, Sic Subscibitur, T. Burnet, Cls. Reg.* As also, the
 ' foresaid Act of Reduction in his favours, whereof the Tenor follows: ' At
 ' *Edinburgh*, the Twenty second day of *July*, One thousand six hundred
 ' and ninety years; The Estates of Parliament having Considered an Act
 ' of Adjournal of the Justice-Court, Dated the tenth Day of *November*,
 ' One thousand six hundred and eighty four years, against *George Earl of*
 ' *Melvil*, therein designed Lord *Melvil*, with a Process of Treason and
 ' Forfaulture for the said Crime, contained in the said Act of Adjournal,
 ' Led and Deduced upon the Fifteenth Day of *June*, One thousand six hun-
 ' dred and eighty five years, before the late King *James*, and the then Par-
 ' liament, against the said *George Earl of Melvil*, with the Decreet and Sen-
 ' tence of Forfaulture thereon, Given and Pronounced. And albeit there
 ' be a long Libel in the said Process, containing many atrocious Crimes, yet
 ' the only Points found Relevant against him, were his Corresponding with
 ' the Rebels, and giving Intelligence to them, when they were actually in
 ' Rebellion, Concealing and not Revealing the same, and that notwith-
 ' standing, that as to the first Point, there were a Petition given in by the
 ' Lady *Melvil*, and read in plain Parliament, Representing, that what he did
 ' therein, he did by Commission from the Duke of *Monmouth*, who had at
 ' that

that time an ample Commission from His Majesty, under the Great Seal, and that a Copy of the said Commission, with the said Declaration, were Produced, and only Rejected upon these Grounds, *viz.* That the said Earl of *Melvil* was not Compearing, and therefore no Petition could be received in his behalf, and that the foresaid Declaration was Impetrat *ex post facto*, and not upon Oath, which Grounds were altogether Irrelevant, seeing that albeit the Earls not Compearing might have hindred the receiving of any petition in his behalf; yet the Petition being received, with its foresaid Verifications actually Produced, and the Conscience of the Parliament, the great Assize of the Kingdom, thereby convincingly Instructed, they could not in Law or Reason Neglect the same. And as to the second Aleadgeance, *viz.* That the Declaration was given *ex post facto*, and not upon Oath, yet seeing it could not be denied to be the Declaration of the Duke of *Monmouth*, Vested at that time with His Majesties Commission as said is, it was a sufficient Evidence in the said Matter, especially since it was not only Notour to all, but also Testified by the Witnesses, that any Message sent at that time to the Rebels, was only to Require them to lay down Arms, and come to the King's Will; and further, it was Declared by one of the Witnesses, that that Message was at the same time sent by Order of the Duke of *Monmouth*, but this part of the Deposition was refused to be Marked, as hath been now sufficiently Instructed; Likeas, it is also now made Apparent, that the King (before the Duke of *Monmouth's* coming from *London*) gave Warrant for the said Message, both to the Duke and to the Earl of *Melvil*. And as to the other Point, *viz.* The said Earl of *Melvil* his Accession to the Conspiracy against the late King *James*, and the Person and Government of King *Charles*, or his concealing and not revealing the same, all pretended to be proven was, present at a Meeting in *London*, where it was discoursed, and only in ambiguous and dark terms of the Means for securing the Protestant Religion, and the Laws and Liberties of the Kingdom, in case of the Succession of King *James*, then only Duke of *York*, and a Subject: As also, that even this point was not lawfully proven, there being no clear concurring Witness in the case, but two of three Witnesses standing accused for the same Crime, and under Terror thereof unpardoned; and by the Probation supplied by producing the Testimonies of Witnesses absent, and one of these Testimonies evidently produced and made use of against the publick Faith given in the contrary; As likewise, that the said Earl being for the time out of the Countrey, and also denounced upon the foresaid Act of Adjournal: There was no Relaxation raised until a few days before the Compearnece, and he had never the Offer of an Indemnity, nor was for the time in open Rebellion, so that he had not *intus accessus*: All which were sufficiently verified in presence of the Estates of Parliament, by production and reading of the foresaid Act of Adjournal, and Decreet of Forfaulture, Depositions of the Witnesses, whereupon the same was founded, and haill Procedure therein, together with the Depositions of the Witnesses now adduced in Parliament, and other Instructions produced, read and advised: Likeas, for the more clear and sure asserting Their Majesties special Authority interponed in this matter, there was produced and read in Parliament, a Letter

ter from the Kings Majesty, of the Tenor following: *Supraſcribitur WILLIAM R.* My Lords and Gentlemen, We are informed, that George Earl of *Melvil*, now preſent Commiſſioner for holding this Seſſion of Parliament, is to intent & raiſe an Action of Reduction before you, of a Decreet and Sentence of Forfaulture pronounced againſt him, in the Parliament one thouſand ſix hundred eighty five, for alledged correſponding with the Rebels at *Bothwel-bridge*, and being Airt and Part of the Plot and Conſpiracy at *London* in the year one thouſand ſix hundred eighty three; which Action being to be moved at his own inſtance, againſt Our Officers of State, to be therein called to prevent any Exception that now or hereafter may ariſe, anent the Formality of the Proceeding; The ſaid Earl being Our Commiſſioner for the time: We have thought fit by theſe preſents, not only to diſpenſe with the ſummonding of all Our Officers of State, and to Declare, that any Citation or Intimation to be made to any of them, may be done in ſuch manner, and in as ſhort time as ye ſhal judge meet. But alſo to authorize you to iſſue forth the ſaids Summons, and to Hear, Diſcuſs, and finally determine in the ſaid Action and Cauſe, in the ſame ſort and as effectually as if We were perſonally preſent amongſt you, interpoſing hereby fully Our Royal Aſſent, to any Act or Decreet you ſhal paſs in the matter: And We appoint you to cauſe Record this Our Letter in the Books of Parliament, for your ſufficient Warrant, and ſo We bid you heartily farewel. Given at Our Court at *Kenſington*, the fourth day of *June* one thouſand ſix hundred and ninety years, and of Our Reign the ſecond year, *Subſcribitur W. R.* And ſeing by the *Claim of Right*, contained in the Declaration of the Eſtates, againſt the late King *James*; It is expreſſy provided, that the cauſing Forfault Perſons, on weak and frivolous Pretences, upon lame and defective Probation, is contrary to Law, and that all ſuch Forfaultures ought to be conſidered, and the perſons leſed redreſſed. Therefore the King and Queens Majesties, with Advice and Conſent of the ſaid Eſtates of Parliament, Do hereby *ex Juſtitia*, Reduce, Reſcind, Retreat, Caſs and Annul the foreſaid Sentence and Decreet of Forfaulture, pronounced againſt the ſaid George Earl of *Melvil*, with the Gifts of Forfaulture and Preſentation, or Eſcheat, and all other Right or Deeds following, or that may follow thereupon. As alſo, the foreſaid Act of Adjournal, with all that has followed or may follow on the ſame. And Declares the ſaid Sentence and Decreet of Forfaulture, and Act of Adjournal, to have been from the beginning, and to be now, and in all time coming Void, Null, and of no Avail, Strength, or Effect, Reponing and Reſtoring the ſaid Earl to his Blood, Eſtate Heretable and Moveable, Fame, Honour and Dignity, againſt the ſame, *in intergrum per modum Juſtitia*. And ſicklike, and as freely in all reſpects, as if the ſaid Decreet and Doom of Forfaulture, and Act of Adjournal above-mentioned had never been pronounced. And Their Majesties, with Advice and Conſent foreſaid, Reſcind the Act of Annexation one thouſand ſix hundred and eighty five, annexing the ſaid Earl his Eſtate to the Crown. And further, and for ſuperabundance, Do hereby diſſolve the ſaid Eſtate from the Crown, in his own favours, Reponing and Reintegrating him to his full Right and Poſſeſſion

tion of the same, as if the said Sentence of Forefaulture and Act of Adjournal had never been. And that notwithstanding of any other Right or Deed that might have been made or granted in favours of any other person to his prejudice: As also, Their Majesties, with Consent foresaid, Declare, that it shal be leifome to the said Earl, to repeat any Composition or Sums of Money, payed either by himself, or any other person for him, on the account of the Escheat and Forefaulture, or for Gifts thereof to his own or Childrens behove, or for obtaining a Remission for the said pretended Crimes, from the persons receivers thereof, or Intrometters therewith, who are hereby declared to refound the same, with the Interest thereof, since *Martinmas* one thousand six hundred eighty eight years. As also, that all Bonds and other Securities granted by him, or any other for him, on the account foresaid, in whatsoever terms they may be conceived, and to whomsoever granted, are, and shal be void and null, Ordaining the Havers thereof, to deliver up, and give back the same to be cancelled; and that Letters be direct for that effect as effects. And Their Majesties and Estates of Parliament, Statute and Ordain, that this present Act, shal have full Strength, Force and Effect of a publick Law, in favours of the said Earl of Melvil and others foresaids: And Statute, that this present Act is, and shal be understood to be accepted from the *Act Salvo Jure*, to be past in this present Parliament. Extracted forth of the Records of Parliament, by me, *Sic Subscribitur, T. Burnet. Cls. Reg. In the haill Heads, Clauses, Articles, Tenor and Contents of the same.* And finds and declares, that the saids Acts were legally and warrantably done, and are of as great Force, Strength and Effect, as if any other person had been Their Majesties Commissioner the time that the same were past in Parliament, and hereby dispense with that, or any other Objection that can be moved or pretended there-against; and by thir presents, excepts this present Act and Ratification out of the *Act Salvo Jure*, to be past in this present Session of Parliament.

Extracted forth of the Records of Parliament, by George Viscount of Tarbat, Lord Meleod and Castelhaven, Clerk to Their Majesties Parliament, Council, Exchequer, Registers and Rolls.

